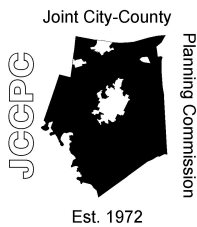


CITY OF PARK CITY, KENTUCKY



Month XX, 2005



**Joint City-County
Planning Commission
of Barren County, Kentucky**

ZONING ORDINANCE

ZONING ORDINANCE

CITY OF
PARK CITY, KENTUCKY

Adopted: _____, 2005

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ARTICLE 1 GENERAL PROVISIONS

1.0 TITLE

This Ordinance shall be known and may be cited and referred to as the "Park City Zoning Ordinance" and the zoning map herein referred to and herein incorporated is entitled "Zoning Map – Park City, Kentucky".

1.1 AUTHORITY

Kentucky Revised Statutes (KRS) 100.201 gives legislative bodies the authority to enact permanent land use regulations, including zoning and growth management regulations.

1.2 EFFECTIVE DATE

This Ordinance shall be in full force and effect, after adoption by the Park City Commission, on _____, 2005.

1.3 PURPOSE

- A. The purpose of this Zoning Ordinance is to prescribe, regulate, restrict and limit for the purpose of promoting the public health, safety, morals, or general welfare, regulations of and restrictions upon the erection, construction, alteration, repair or use of buildings, structures or land, including regulations and restrictions of the height, number of stories, and size of buildings and other structures, the size of the yards, courts and other open spaces, the density of population, and the location and use of such buildings, structures and land for trade, industry, residence or other purposes.
- B. To facilitate orderly and harmonious development and to preserve the visual and/or historical character of the city and the intensity of land use.
- C. This Ordinance is also intended to provide a method of administration and enforcement and penalties for the violation of its provisions.

1.4 ZONING AFFECTS EVERY STRUCTURE OR USE

No structure or land shall hereafter be used and no structure or part thereof shall be erected, moved or altered, unless for a use expressly permitted by and in conformity with the regulations herein specified for the zoning district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a nonconforming use.

1.5 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare.

1.6 CONFLICT WITH EXISTING LAW

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law, ordinance or resolution, or with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings, or premises, or with any private restrictions placed upon property by covenant, deed or recorded plat; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires greater lot areas, larger yards, courts or other open spaces than are imposed or required by such existing provisions of law, ordinance or resolution, or by such rules, regulations, or permits or by such private restrictions, the provisions of this Ordinance shall control.

1.7 CONFLICT WITH ORDINANCES, PRIVATE COVENANTS AND DEEDS

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future ordinance of the city of Park City or the whole or part of any existing or future private covenants or deeds, the most restrictive shall in all cases apply.

1.8 VALIDITY

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other section, clause, provision or portion of this Ordinance which is not in itself invalid or unconstitutional.

1.9 COORDINATION OF SUBDIVISION REGULATIONS

In all cases where the ownership of land is subdivided, the provisions of the Subdivision Regulations shall be applicable in addition to the provisions of this Ordinance.

ARTICLE 2 ZONING DISTRICTS

2.0 ESTABLISHMENT OF DISTRICTS

For the purpose of this Zoning Ordinance, the incorporated territory of the city of Park City is hereby divided into zoning districts which shall be designated as follows:

Districts	
Agricultural District	AG
Single Family Residential District	R-1
Two-Family Residential District	R-2
Multi-Family Residential District	R-3
Neighborhood Business District	NB
General Business District	B-1
Light Industrial District	I-1
Heavy Industrial District	I-2
Public District	P
Central Area Preservation Overlay District	CAP

2.1 OFFICIAL ZONING MAP

2.1.1 Established

The boundaries of these zoning districts are hereby established on the Official Zoning Map entitled "Zoning Map – Park City, which shall be permanently located in the Joint City-County Planning Commission office. This official zoning map together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Zoning Ordinance. Any territory hereafter annexed to the city shall remain subject to the same land use restrictions, if any, as applied to it prior to annexation or transfer until those restrictions are changed by zoning map amendments or other regulations in accordance with Kentucky Revised Statutes (KRS) 100.

2.1.2 Replacement

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or is deemed necessary to be replaced due to age of the map, the Joint City-County

Planning Commission may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions of the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

2.1.3 Rules for Interpretation of Zoning District Boundaries

The zoning district boundary lines on the Official Zoning Map are intended to follow lot or tract lines or farm boundaries, the center lines of streets or the corporate limit lines, all as they existed at the time of enactment of this Ordinance. Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Official Zoning Map, the following rules shall apply.

- A.** Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines; vacated rights-of-way shall not effect the original zoning.
- B.** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C.** Boundaries indicated as approximately following political boundaries shall be construed as following such boundaries.
- D.** Boundaries indicated as following railroad lines rights-of-way shall be construed to be midway between the main tracks.
- E.** Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed to follow such center lines.
- F.** Boundaries indicated as approximately parallel to features indicated in the paragraphs above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map, if an accurate legal description cannot be determined.
- G.** Where the above stated rules do not indicate the exact location of the zoning district boundaries, then said boundaries shall be determined by the Administrative Official and may be subject to appeal to the Board of Adjustments.

ARTICLE 3 AGRICULTURAL DISTRICT (AG)

3.0 PURPOSE AND INTENT

The Agricultural District is intended to identify and protect the present and future viability and character of agricultural lands and other open space, primarily for non-urban uses.

3.1 PERMITTED USES AND STRUCTURES

- A.** Agricultural uses and customary farming operations
- B.** Single-family residential dwellings (detached).
- C.** Mobile homes and manufactured homes.
- D.** Commercial kennels, fishing lakes and riding and boarding stables.
- E.** Public parks and playgrounds.
- F.** Roadside stands provided such facility offers for sale only agricultural products produced on the premises, or on premises owned by the same person.

3.2 CONDITIONAL USES

The following uses and their customary accessory buildings or uses subject to the approval of the Board of Adjustments, as set forth in Section 17.1.5 of this Ordinance:

- A.** Churches and other places of religious assembly for worship.
- B.** Cemeteries and other public burial areas.
- C.** Public golf courses and driving ranges.
- D.** Livestock auctions and stockyards.
- E.** Recreational vehicle (RV) campground provided such living arrangements are of transient or seasonal use and such facility meets the requirements of KRS 219.310 through 219.410. Permits as required under KRS 219.310 through 219.410.
- F.** Day care centers and nursery schools.
- G.** Taxidermy.
- H.** Public and parochial schools and colleges and private schools and colleges for academic instruction.
- I.** Veterinarian clinics.
- J.** Bed and breakfast establishments.

- K. Sportsmen's Farms and Firearm Ranges.
- L. Home occupations, subject to the restrictions and limitations established in Section 14.32 of this Ordinance.
- M. Any other use that is determined by the Board of Adjustment to be of the same general character as the above.

3.3 ACCESSORY USES AND STRUCTURES

Accessory uses and structures customarily incidental to any aforesaid permitted principal use, located on the same lot therewith, such as agricultural structures, tenant homes, and employee quarters in separate structures; not including any business, trade, or industry, unless clearly incidental to a permitted principal use.

3.4 PROHIBITED USES AND STRUCTURES

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited.

3.5 PROPERTY DEVELOPMENT STANDARDS

Minimum dimensional standards for this district are found in the following table:

Agricultural District (AG)	
Lot Area	
Public Sewer	5 acres
Septic System	5 acres
Lot Width (at building setback line)	100 feet
Lot Frontage Public Street	50 feet
Lot Coverage	N/A
Setbacks	
Principal Structure	
Front Yard	35 feet
Side Yard	10 feet
Rear Yard	25 feet
Accessory Structure	
Side Yard	5 feet
Rear Yard	5 feet
Height (maximum)	N/A

3.6 SPECIFIC USE STANDARDS

3.6.1 Agricultural Use

3.6.1.1 Characteristics

Pursuant to KRS 100, any land which is used solely for agricultural purposes (exclusive of land and building used for residences, except as herein provided) shall have no regulations imposed as to certificates of occupancy, height, yard location, or requirements for agricultural buildings, except that:

- A.** Setback lines shall be required for the protection of existing and proposed streets and highways, as required for the zone in which the use is located.
- B.** That all buildings or structures in a designated floodway or floodplain or which tend to increase flood heights or obstruct the flow of flood waters shall be in accordance with this Ordinance.

Agriculture includes activities that primarily involve raising, producing or keeping plants or animals, see KRS 100.111(2).

3.6.1.2 Examples

Examples include breeding, raising, or limited processing of fowl or other animals; dairy farms; stables; riding academies; kennels or other animal boarding places; farming, gardening, forestry, tree farming; and wholesale plant nurseries.

3.6.1.3 Exceptions

- A.** Uses involved in the processing of animal or plant products, except limited meat/poultry processing, are classified as manufacturing and production.
- B.** Livestock auctions and stockyards are classified as Industrial Service.

3.7 OTHER REQUIREMENTS

3.7.1 Parking

See Article 14, Section 14.5.

3.7.2 Signs

See Article 14, Section 14.8.

ARTICLE 4 SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)

4.0 PURPOSE AND INTENT

The purpose of this district is intended to provide housing opportunities for single-family residential dwellings (detached).

4.1 PERMITTED USES AND STRUCTURES

- A.** Single-family residential dwellings (detached).

4.2 CONDITIONAL USES

The following uses and their customary accessory buildings or uses subject to the approval of the Board of Adjustments, as set forth in Section 17.1.5 of this Ordinance:

- A.** Churches and other places of religious assembly for worship.
- B.** Cemeteries and other public burial areas.
- C.** Public, private and parochial schools, and libraries.
- D.** Bed and breakfast establishments.
- E.** Day care centers and nursery schools.
- F.** Public parks, playgrounds, golf courses and non-commercial public recreational facilities.
- G.** Nursing homes.
- H.** Assisted living facilities.
- I.** Philanthropic institutions and clubs except which the chief activity is customarily carried on as business.
- J.** Qualified manufactured homes, subject to the provisions established in Section 14.23 of this Ordinance.
- K.** Home occupations, subject to the provisions established in Section 14.32 of this Ordinance.
- L.** Any other use that is determined by the Board of Adjustment to be of the same general character as the above.

4.3 ACCESSORY USES AND STRUCTURES

Accessory uses and structures shall be permitted as customarily incidental to the permitted use. No accessory structure may occupy a lot that does not have a principal structure located on the lot.

4.4 PROHIBITED USES AND STRUCTURES

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited.

4.5 PROPERTY DEVELOPMENT STANDARDS

Minimum dimensional standards for this district are found in the following table:

Single Family Residential District (R-1)	
Lot Area Public Sewer Septic System	12,000 sq.ft. 1 acre
Lot Width (at building setback line)	100 feet
Lot Frontage Public Street	50 feet
Lot Coverage	35%
Setbacks Principal Structure Front Yard Side Yard Rear Yard Accessory Structure Side Yard Rear Yard	35 feet 10 feet 25 feet 5 feet 5 feet
Height (maximum)	35 feet

4.6 OTHER REQUIREMENTS

4.6.1 Parking

See Article 14, Section 14.5.

4.6.2 Signs

See Article 14, Section 14.8.

ARTICLE 5 TWO-FAMILY RESIDENTIAL DISTRICT (R-2)

5.0 PURPOSE AND INTENT

The purpose of this district is intended to provide housing opportunities for single-family residential dwellings (detached) and two-family residential development (duplex).

5.1 PERMITTED USES AND STRUCTURES

- A.** Single-family residential dwellings (detached).
- B.** Two-family residential dwellings (duplex).

5.2 CONDITIONAL USES

The following uses and their customary accessory buildings or uses subject to the approval of the Board of Adjustments, as set forth in Section 17.1.5 of this Ordinance:

- A.** Churches and other places of religious assembly for worship.
- C.** Cemeteries and other public burial areas.
- D.** Public, private and parochial schools, and libraries.
- E.** Bed and breakfast establishments.
- F.** Day care centers and nursery schools.
- G.** Public parks, playgrounds, golf courses and non-commercial public recreational facilities.
- H.** Nursing homes and assisted living facilities.
- I.** Philanthropic institutions and clubs except which the chief activity is customarily carried on as business.
- J.** Qualified manufactured homes, subject to the provisions established in Section 14.23 of this Ordinance.
- K.** Home occupations, subject to the provisions established in Section 14.32 of this Ordinance.
- L.** Any other use that is determined by the Board of Adjustment to be of the same general character as the above.

5.3 ACCESSORY USES AND STRUCTURES

Accessory uses and structures shall be permitted as customarily incidental to the permitted use. No accessory structure may occupy a lot that does not have a principal structure located on the lot.

5.4 SPECIFIC USE STANDARDS

5.4.1 Two-family dwellings (duplex)

- A. Duplex dwellings shall have a shared driveway with the parking located behind the unit if practical.
- B. A common entrance shall be provided to the front of duplex buildings.
- C. the building shall have the appearance of one building rather than two (2) separate units. Therefore, separate materials and colors which designate one unit from another shall not be permitted.

5.5 PROHIBITED USES AND STRUCTURES

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited.

5.6 PROPERTY DEVELOPMENT STANDARDS

Minimum dimensional standards for this district are found in the following table:

Two-Family Residential District (R-2)		
Number of Units	1	2
Lot Area Public Sewer Septic System	7,500 sq.ft. 1 acre	11,000 sq. ft. Not Allowed
Lot Width (at building setback line)	75 feet	100 feet
Lot Frontage Public Street	50 feet	
Lot Coverage	50%	
Setbacks Principal Structure Front Yard Side Yard Rear Yard Accessory Structure Side Yard Rear Yard	35 feet 10 feet 25 feet 5 feet 5 feet	
Height (maximum)	35 feet	

5.7 OTHER REQUIREMENTS

5.7.1 Parking

See Article 14, Section 14.5.

5.7.2 Signs

See Article 14, Section 14.8.

ARTICLE 6 MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)

6.0 PURPOSE AND INTENT

The purpose of this district is intended to provide housing opportunities for multi-family residential dwellings which may have a relatively intense concentration of dwelling units served by large open spaces consisting of common areas and recreation facilities, thereby resulting in medium gross densities. The principal use of land may be one or several dwelling types, ranging from single family to low rise multiple family dwellings and including two family dwellings, condominiums and townhouses. This district may function as a buffer or transition between major streets, or commercial developments and lower density residential areas.

6.1 PERMITTED USES AND STRUCTURES

- A.** Single-family residential dwellings (detached).
- B.** Two-family residential dwellings (duplex).
- C.** Multi-family residential dwellings.

6.2 CONDITIONAL USES

The following uses and their customary accessory buildings or uses subject to the approval of the Board of Adjustments, as set forth in Section 17.1.5 of this Ordinance:

- A.** Churches and other places of religious assembly for worship.
- B.** Cemeteries and other public burial areas.
- C.** Public, private and parochial schools, and libraries.
- D.** Bed and breakfast establishments.
- E.** Day care centers and nursery schools.
- F.** Public parks, playgrounds, golf courses and non-commercial public recreational facilities.
- G.** Nursing homes.
- H.** Assisted living facilities.
- I.** Mobile home parks.
- J.** Qualified manufactured homes, subject to the provisions established in Section 14.23 of this Ordinance.
- K.** Home occupations, subject to the provisions established in Section 14.32 of this Ordinance.

- L.** Philanthropic institutions and clubs except which the chief activity is customarily carried on as business.
- M.** Any other use that is determined by the Board of Adjustment to be of the same general character as the above.

6.3 ACCESSORY USES AND STRUCTURES

Accessory uses and structures shall be permitted as customarily incidental to the permitted use. No accessory structure may occupy a lot that does not have a principal structure located on the lot.

6.4 SPECIFIC USE STANDARDS

6.4.1 Two-family dwellings (duplex)

- A.** Duplex dwellings shall have a shared driveway with the parking located behind the unit if practical.
- B.** A common entrance shall be provided to the front of duplex buildings.
- C.** The building shall have the appearance of one building rather than two (2) separate units. Therefore, separate materials and colors which designate one unit from another will not be permitted.

6.4.2 Multi-family dwellings

A common driveway entrance access shall be provided for multi-family dwellings. No access will be approved for parking or loading areas that require backing maneuvers in a public street right-of-way on local streets. Any parking facility must have full internal vehicular circulation and storage. Vehicular circulation must be located completely within the property. In addition, each portion of the development must have access to all other portions without using the adjacent street system.

6.5 INTENSITY

The intensity of use in a Multi-family Residential District shall not exceed twelve (12) dwelling units per acre.

6.6 PROHIBITED USES AND STRUCTURES

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited.

6.7 PROPERTY DEVELOPMENT STANDARDS

Minimum dimensional standards for this district are found in the following table:

Multi-family Residential District (R-3)		
Number of Units	1	2 or more units
Lot Area Public Sewer	7,500 sq.ft.	7,500 sq. ft. first unit plus 2,500 sq.ft. for each additional unit
Septic System	1 acre	Not Allowed
Lot Width (at building setback line)	75 feet	100 feet
Lot Frontage Public Street	50 feet	
Lot Coverage	75%	
Setbacks Principal Structure Front Yard Side Yard Rear Yard Accessory Structure Side Yard Rear Yard	35 feet 10 feet 25 feet 5 feet 5 feet	
Height (maximum)	35 feet	

6.8 OTHER REQUIREMENTS

6.8.1 Parking

See Article 14, Section 14.5.

6.8.2 Signs

See Article 14, Section 14.8.

ARTICLE 7 NEIGHBORHOOD BUSINESS DISTRICT (NB)

7.0 PURPOSE AND INTENT

The purpose of this district is intended to provide opportunities for neighborhood scale commercial development that serves the daily needs of the immediate surrounding area and to provide housing opportunities for various residential dwelling types while preserving the character of the downtown neighborhood.

7.1 PERMITTED USES AND STRUCTURES

- A.** Antique store/shop.
- B.** Apparel shop.
- C.** Art supplies.
- D.** Bakery and bakery goods store.
- E.** Banks, building and loan associations.
- F.** Barber and beauty shops.
- G.** Book, stationary or gift shop, including printing.
- H.** Camera and photographic supplies.
- I.** Candy store, soda fountain, ice cream store, excluding drive-ins.
- J.** Churches and other places of religious assembly for worship.
- K.** Clubs and lodges.
- L.** Convenience stores, excluding drive-ins.
- M.** Day care centers and nursery schools.
- N.** Delicatessen.
- O.** Drug store.
- P.** Eating and drinking places, excluding drive-ins.
- Q.** Florist shop.
- R.** Food stores.
- S.** Furniture store.
- T.** Glass, china, or pottery store.

- U.** Hardware and building supply store.
- V.** Hobby shop.
- W.** Household and electrical appliance store, including repair.
- X.** Interior decorating studio.
- Y.** Jewelry store, including repair.
- Z.** Leather goods and luggage store.
- AA.** Library.
- BB.** Locksmith shop.
- CC.** Meat, fruit, and vegetable markets.
- DD.** Music, musical instruments and records, including repair.
- EE.** Professional offices.
- FF.** Paint and wallpaper store.
- GG.** Police and fire stations.
- HH.** Post office.
- II.** Radio and television store, including repair.
- JJ.** Shoe store, including repair.
- KK.** Sporting goods store.
- LL.** Studios for professional work or teaching of any form of fine arts.
- MM.** Tailor shop.
- NN.** Funeral Home
- OO.** Dwellings:
 - 1.** Single-family dwellings (detached) and two-family dwellings (duplex) provided the premises contains no commercial business use and conforms to the specific use standards, Section 5.4, and property development standards, Section 5.6, of the R-2, Two-family Residential District.
 - 2.** Dwelling(s) located over permitted business establishments provided:
 - a.** The dwelling(s) shall have a separate means of ingress and egress than the commercial use;
 - b.** Two family dwellings (duplex) and multi-family dwellings shall have a common entrance;

- c. Two family dwellings (duplex) and multi-family dwellings shall have a shared driveway with the required parking located behind the commercial use; and,
- d. The building shall have the appearance of one building rather than two (2) separate units. Therefore, separate materials and colors which designate one unit from another shall not be permitted.

7.2 CONDITIONAL USES

The following uses and their customary accessory buildings or uses subject to the approval of the Board of Adjustments, as set forth in Section 17.1.5 of this Ordinance:

- A. Public, private and parochial schools, and libraries.
- B. Public parks and playgrounds.
- C. Nursing homes.
- D. Bed and breakfast establishments.
- E. Hotels and motels.
- F. Assisted Living facilities.
- G. Qualified manufactured homes, subject to the provisions established in Section 14.23 of this Ordinance.
- H. Home occupations, subject to the provisions established in Section 14.32 of this Ordinance.
- H. Any other use that is determined by the Board of Adjustment to be of the same general character as the above.

7.3 ACCESSORY USES AND STRUCTURES

Accessory uses and structures shall be permitted as customarily incidental to the permitted use. No accessory structure may occupy a lot that does not have a principal structure located on the lot.

7.4 SPECIFIC USE STANDARDS

7.4.1 Outdoor Display and Storage

Outdoor display and storage for commercial uses within the Neighborhood Business District shall be allowed in accordance with this Section. Any merchandise, material or equipment situated outdoors shall be subject to the requirements of this Section.

7.4.1.1 Storage and Display Types

For the purpose of this Section, outdoor storage and display shall be broken down into two (2) types, as follows:

A. Outdoor Display

Outdoor display shall be allowed adjacent to a principal building wall and extending to a distance no greater than five (5) feet from the wall. Such display shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.

B. Outdoor Storage

Outdoor storage shall not be allowed in the Neighborhood Business District.

7.4.1.2 Exceptions

- A.** Private vehicles for sale (including boats) shall not be considered merchandise, material or equipment subject to the restrictions of this Section. However, all vehicle storage shall be located on the property and not on public right-of-way.
- B.** Waste generated on-site and deposited in ordinary refuse containers shall not be subject to the restrictions of this Section.
- C.** Areas enclosed by solid, opaque walls on at least three (3) sides and covered by a solid, opaque roof shall not be considered outdoor storage.

7.4.1.3 Location of Outdoor Storage and Display

- A.** All outdoor storage and display shall be located outside the public right-of-way and/or at least 15 feet from the back edge of the adjacent curb or street pavement.
- B.** No outdoor storage shall be allowed in required front, side and rear yard setbacks.
- C.** No outdoor storage shall utilize any parking space required for the principal use of the property.

7.5 PROHIBITED USES AND STRUCTURES

All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited

7.6 PROPERTY DEVELOPMENT STANDARDS

Minimum dimensional standards for this district are found in the following table:

Neighborhood Business District (NB)	
Lot Area Public Sewer Septic System	5,000 sq.ft. (see section 14.1.2)
Lot Width (at building setback line)	50 feet
Lot Frontage Public Street	50 feet
Lot Coverage	75%
Setbacks Principal Structure Front Yard Side Yard Rear Yard	35 feet * 25 feet
Height (maximum)	35 feet

*

All buildings on lots adjacent to a Residential District shall be located so as to conform on the adjacent side with the yard requirements of the Residential District.

7.7 OTHER REQUIREMENTS

7.7.1 Parking

See Article 14, Section 14.5.

7.7.2 Signs

See Article 14, Section 14.8.

ARTICLE 8 GENERAL BUSINESS DISTRICT (B-1)

8.0 PURPOSE AND INTENT

The purpose of this district is intended to provide locations for businesses oriented primarily toward serving the motoring public and for those business which due to their nature are best suited to locations along major streets and highways.

8.1 PERMITTED USES AND STRUCTURES

- A.** Retail business and service establishments.
- B.** Banks, building and loan associations, including drive-ins.
- C.** Barber and beauty shops.
- D.** Churches and other places of religious assembly for worship.
- E.** Clinics, hospitals, medical and dental offices.
- F.** Clubs and lodges.
- G.** Convenience stores, including drive-ins.
- H.** Day care centers and nursery schools.
- I.** Eating and drinking places, including drive-ins.
- J.** Food stores and supermarkets.
- K.** Hotels and motels.
- L.** Police and fire stations.
- M.** Professional offices.
- N.** Public parks and playgrounds.
- O.** Public, private and parochial schools, and libraries.
- P.** Recreational and entertainment facilities.
- Q.** Theaters.

8.2 CONDITIONAL USES

The following uses and their customary accessory buildings or uses subject to the approval of the Board of Adjustments, as set forth in Section 17.1.5 of this Ordinance:

- A.** Nursing homes.

- B. Assisted Living facilities.
- C. Recreational vehicle (RV) campground provided such living arrangements are of transient or seasonal use and such facility meets the requirements of KRS 219.310 through 219.410. Permits as required under KRS 219.310 through 219.410.
- D. Any other use that is determined by the Board of Adjustment to be of the same general character as the above.

8.3 ACCESSORY USES AND STRUCTURES

Accessory uses and structures shall be permitted as customarily incidental to the permitted use. No accessory structure may occupy a lot that does not have a principal structure located on the lot.

8.4 SPECIFIC USE STANDARDS

8.4.1 Landscaping

All new commercial developments within the B-1, General Business District, shall comply with the minimum landscaping standards that follow:

8.4.1.1 Applicability

- A. No new site development, building, structure, or vehicle use area (VUA) shall hereafter be constructed unless landscaping is provided as required by the provisions of this Section.
- B. No building, structure or VUA shall be expanded unless the minimum landscaping is provided as required by the provisions of this Section.
- C. No building, structure or VUA shall be reconstructed unless the minimum landscaping is provided as required by the provisions of this Section.

8.4.1.2 Buffers Between Incompatible Land Uses

- A. Where a commercial lot adjoins any residential district, a well maintained continuous evergreen planting, fence, wall, earth berm or similar screening device at least six (6) feet in height shall be installed to screen the commercial use from the adjoining residential district.

8.4.1.3 VUA Landscaping

- A. All commercial developments shall provide and maintain landscaped areas equal to 10 percent of the required parking area.
- B. Required landscape areas shall be dispersed throughout the VUA.
- C. Landscape islands are required at the ends of all parking bays.

- D. A minimum of one tree shall be planted within each landscape island or peninsula.
- E. There shall be no more than 40 parking spaces between islands or peninsula in a VUA.
- F. All landscape islands or peninsulas located between a VUA and street right-of-way must have a minimum five (5) feet width.

8.4.1.4 Screening of Trash Disposal Structures

All trash disposal units shall be enclosed within walls, vegetation, or earthen berm on all sides with an opening door for the removal of trash. The height of the screening shall be 18 inches higher than the structure to be screened, but shall not be required to exceed eight (8) feet in height.

8.4.1.5 Landscape Materials

Screening material shall consist of plant material, wood, stone, masonry material, or earthen berm.

- A. When plant material is to be used for screening, the plant material must be able to provide 100 percent screening within three (3) years.
- B. Fence or Wall material shall consist of either board-on-board wooden fence, masonry, stone or any combination of the above. The use of such wall or fence material used between incompatible land uses must be to a height of six (6) feet. All wood used is to be treated with water-borne preservatives. All hardware is to be galvanized or otherwise rustproof. Chain link fencing may not be used to satisfy the requirements of this Section.
- C. Earthen berms shall be constructed to a maximum slope ratio of three to one (3:1) and covered with a ground cover or turf. A difference in elevation between areas requiring screening does not constitute an earth berm.

8.4.2 Outdoor Display and Storage

Outdoor display and storage shall be allowed in accordance with this Section. Any merchandise, material or equipment situated outdoors shall be subject to the requirements of this Section.

8.4.2.1 Storage and Display Types

For the purpose of this Section, outdoor storage and display shall be broken down into four (4) types, as follows:

A. Outdoor Display

Outdoor Display shall be allowed adjacent to a principal building wall and extending to a distance no greater than five

(5) feet from the wall. Such storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.

B. Limited Outdoor Storage

Limited Outdoor Storage shall not exceed 5 percent of the total site area.

C. General Outdoor Storage

General Outdoor Storage shall not be allowed in the B-1, General Business district and is allowed in Industrial Districts only.

D. Temporary / Seasonal Outdoor Storage

Temporary/Seasonal Outdoor Storage may exceed the limits for Limited Outdoor Storage but shall require a permit from the Zoning Administrator and shall be limited to a sixty (60) day period no more than 3 times per year.

8.4.2.2 Exceptions

- A.** Vehicles for sale (including boats) shall not be considered merchandise, material or equipment subject to the restrictions of this Section. However, all vehicle storage shall be located on the property and not on public right-of-way.
- B.** Waste generated on-site and deposited in ordinary refuse containers shall not be subject to the restrictions of this Section.
- C.** Areas enclosed by solid, opaque walls on at least three sides and covered by a solid, opaque roof shall not be considered outdoor storage.

8.4.2.3 Location of Outdoor Storage and Display

- A.** All outdoor storage and display shall be located outside the public right-of-way and/or at least 15 feet from the back edge of the adjacent curb or street pavement.
- B.** Outdoor storage and display areas shall be paved and meet all landscaping requirements of this Ordinance.
- C.** No outdoor storage or display shall be allowed in required side yard setback.
- D.** Any temporary/seasonal outdoor storage shall not utilize any parking space required for the principal use of the property.

8.4.2.4 Allowed Outdoor Storage and Display Table

The following table shows allowed types in the districts designated:

TYPE	NB	B-1	I-1	I-2
Outdoor Display	a	a	a	a
Limited Outdoor Storage		a		
General Outdoor Storage			a	a
Temporary / Seasonal Outdoor Storage		a		

8.5 PROHIBITED USES AND STRUCTURES

- A. Manufacturing, except as provided under retailing.
- B. Mobile, manufactured and model home sales lot.
- C. Warehousing, storage warehouses, mini storage units, storage yards, wrecking or junk establishments or yards, used building materials, truck terminals, distribution centers, and similar uses.
- D. All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited

8.6 PROPERTY DEVELOPMENT STANDARDS

Minimum dimensional standards for this district are found in the following table:

General Business District (B-1)	
Lot Area Public Sewer Septic System	5,000 sq.ft. (see section 14.1.2)
Lot Width (at building setback line)	50 feet
Lot Frontage Public Street	50 feet
Lot Coverage	75%
Setbacks Principal Structure Front Yard Side Yard Rear Yard	35 feet * 25 feet
Height (maximum)	40 feet

- * All buildings on lots adjacent to a Residential District shall be located so as to conform on the adjacent side with the yard

requirements of the Residential District.

8.7 OTHER REQUIREMENTS

8.7.1 Parking

See Article 14, Section 14.5.

8.7.2 Signs

See Article 14, Section 14.8.

ARTICLE 9 LIGHT INDUSTRIAL DISTRICT (I-1)

9.0 PURPOSE AND INTENT

The purpose of this district is intended to provide locations for manufacturing, industrial, and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light, or industrial waste. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs. This district may function as a buffer or transition between heavy industrial development and commercial development.

9.1 PERMITTED USES AND STRUCTURES

- A. Manufacturing, includes any manufacturing activity: assembly, fabrication, or processing. A new industry locating in an Industrial District must furnish to the Zoning Administrator, assurances that it will comply with all federal, state, and local regulations with regard to air pollution, noise pollution, and solid waste and hazardous waste disposal prior to the issuance of building and construction permits.
- B. Wholesale business and sales firms, such as, sales lots and display areas for the following types of commercial use are deemed to be suitable for Industrial Districts: automobiles; mobile, manufactured and model homes; farm implements; and, lumber and building materials.
- C. Public facilities, such as public water and sewage treatment plants, utility substations and other public facilities and utility plants are permitted in Industrial Districts.
- D. Warehousing, storage warehouses and mini storage units.
- E. Automobile rental agencies.
- F. Animal hospitals, veterinary clinics, and commercial kennels.
- G. Automobile, truck and motorcycle repair establishments.
- H. Laboratories.
- I. Machine shops.
- J. Food processing establishments.
- K. Other similar operations for making and preparing, canning, packing, and storing of items.
- L. Business and trade schools and colleges.
- M. Professional offices, such as, administrative, executive and editorial offices, general business and professional offices provided that there be no merchandise sold or offered for sale on the premises, real estate and insurance offices, governmental office buildings, post offices, radio and television stations.

9.2 CONDITIONAL USES

The following uses and their customary accessory buildings or uses subject to the approval of the Board of Adjustments, as set forth in Section 17.1.5 of this Ordinance:

- A.** Commercial recreational facilities.
- B.** Truck terminals and freight yards.
- C.** Eating and drinking places, including drive-ins.
- D.** Public parks, playgrounds and golf courses.
- E.** Wrecker service and vehicle storage if in compliance with the following:
 - 1. That a fence be erected at least six (6) feet in height so that no vehicles stored on the premises shall be visible from the street or adjoining property.
 - 2. That individual vehicles shall not be present on the premises more than six (6) months.
 - 3. There shall be no disassembly or salvaging of any of the vehicles.
 - 4. There shall be no sale of vehicles and/or automotive parts there from.
- F.** Any other use that is determined by the Board of Adjustment to be of the same general character as the above.

9.3 ACCESSORY USES AND STRUCTURES

Accessory uses and structures shall be permitted as customarily incidental to the permitted use. No accessory structure may occupy a lot that does not have a principal structure located on the lot.

9.4 SPECIFIC USE STANDARDS

9.4.1 Industrial Uses Adjoining Residential Districts

All Industrial uses and buildings shall be a minimum of one hundred (100) feet from any Residential District.

9.4.2 Landscaping

All industrial developments shall comply with the minimum landscaping standards as set forth in the commercial development standards of Section 8.4.1.

9.4.3 Enclosed Use

All uses shall be conducted in a complete privacy enclosed building, except for outdoor display and storage as outlined below.

9.4.4 Outdoor Display and Storage

Outdoor storage and display shall be allowed in any Industrial District in accordance with this Section. Any merchandise, material or equipment situated outdoors shall be subject to the requirements of this Section.

9.4.4.1 Exceptions

- A.** Vehicles for sale (including boats) shall not be considered merchandise, material or equipment subject to the restrictions of this Section. However, all vehicle storage shall be located on the property and not on public right-of-way.
- B.** Manufactured, mobile, or model homes that are displayed in a semi-permanent state with skirting shall not be considered merchandise, material or equipment subject to the restrictions of this Section.
- C.** Waste generated on-site and deposited in ordinary refuse containers shall not be subject to the restrictions of this Section.
- D.** Areas enclosed on all sides by a solid wall or fence not less than six (6) feet in height.

9.4.4.2 Location of Outdoor Storage and Display

- A.** All outdoor storage and display shall be located outside the public right-of-way and/or at least 15 feet from the back edge of the adjacent curb or street pavement.
- B.** Outdoor storage and display areas shall be paved and meet all landscaping requirements of this Ordinance.
- C.** No outdoor storage or display shall be allowed in required side yard setback.
- D.** Any outdoor storage shall not utilize any parking space required for the principal use of the property.

9.5 PROHIBITED USES AND STRUCTURES

- A.** Dwelling units, hotels and motels.
- B.** Schools, churches and other places of religious assembly for worship.
- C.** Automobile wrecking yards, junkyards, scrap and salvage yards for secondhand materials.
- E.** All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited.

9.6 PROPERTY DEVELOPMENT STANDARDS

Minimum dimensional standards for this district are found in the following table:

Light Industrial District (I-1)	
Lot Area Public Sewer Septic System	No limitation (see section 14.1.2)
Lot Width (at building setback line)	50 feet
Lot Frontage Public Street	50 feet
Lot Coverage	75%
Setbacks Principal Structure Front Yard Side Yard Rear Yard	40 feet 10 feet * 35 feet *
Height (maximum)	50 feet

- * All Industrial uses and buildings shall be a minimum of one hundred (100) feet from any residential district.

9.7 OTHER REQUIREMENTS

9.7.1 Parking

See Article 14, Section 14.5.

9.7.2 Signs

See Article 14, Section 14.8.

ARTICLE 10 HEAVY INDUSTRIAL DISTRICT (I-2)

10.0 PURPOSE AND INTENT

The purpose of this district is intended to provide locations for manufacturing, industrial, and related uses, that involve potential nuisance factors. Consideration should be given to the relationship of this zone, to the surrounding land uses, and to the adequacy of the street system to serve the anticipated traffic needs.

10.1 PERMITTED USES AND STRUCTURES

Those uses permitted in the I-1 District.

10.2 CONDITIONAL USES

The following uses and their customary accessory buildings or uses subject to the approval of the Board of Adjustments, as set forth in Section 17.1.5 of this Ordinance:

- A.** Livestock auctions and stockyards.
- B.** Truck terminals and freight yards.
- C.** Automobile wrecking yards, junkyards, scrap and salvage yards for secondhand materials.
- D.** Sportsmen's Farms and Firearm Ranges, see section 14.25.
- E.** Adult Oriented Uses, see section 14.16.
- F.** Any other use that is determined by the Board of Adjustment to be of the same general character as the above.

10.3 ACCESSORY USES AND STRUCTURES

Accessory uses and structures shall be permitted as customarily incidental to the permitted use. No accessory structure may occupy a lot that does not have a principal structure located on the lot.

10.4 SPECIFIC USE STANDARDS

10.4.1 Industrial Uses Adjoining Residential Districts

All Industrial uses and buildings shall be a minimum of one hundred fifty (150) feet from any Residential District.

10.4.2 Landscaping

All industrial developments shall comply with the minimum landscaping standards as set forth in the commercial development standards of Section 8.4.1.

10.4.3 Enclosed Use

All uses shall be conducted in a complete privacy enclosed building, except for outdoor display and storage as outlined in Section 9.4.4.

10.4.4 Outdoor Display and Storage

All industrial developments shall comply with the minimum outdoor display and storage standards as set forth in Section 9.4.4.

10.5 PROHIBITED USES AND STRUCTURES

All uses other than those listed as permitted, accessory, or conditional uses or substantially similar to permitted, accessory, or conditional uses shall be prohibited.

10.6 PROPERTY DEVELOPMENT STANDARDS

Minimum dimensional standards for this district are found in the following table:

Heavy Industrial District (I-2)	
Lot Area Public Sewer Septic System	No limitation (see section 14.1.2)
Lot Width (at building setback line)	50 feet
Lot Frontage Public Street	50 feet
Lot Coverage	75%
Setbacks Principal Structure Front Yard Side Yard Rear Yard	40 feet 10 feet * 35 feet *
Height (maximum)	50 feet

- * All Industrial uses and buildings shall be a minimum of one hundred fifty (150) feet from any residential district.

10.7 OTHER REQUIREMENTS

10.7.1 Parking

See Article 14, Section 14.5.

10.7.2 Signs

See Article 14, Section 14.8.

ARTICLE 11 PUBLIC DISTRICT (P)

11.0 PURPOSE AND INTENT

The purpose this district is intended to provide space for public or public related uses in appropriate locations to accommodate the needs of the community.

11.1 PERMITTED USES AND STRUCTURES

- A.** Cemeteries and other public burial areas.
- B.** Churches and other places of religious assembly for worship.
- C.** Non-commercial and commercial public recreational facilities.
- D.** Public parks, playgrounds and historical parks.
- E.** Public libraries and nonprofit museums.
- F.** Public courthouse, office, and maintenance buildings designated for governmental use.
- G.** Public schools and colleges or universities.

11.2 CONDITIONAL USES

The following uses and their customary accessory buildings or uses subject to the approval of the Board of Adjustments, as set forth in Section 17.1.5 of this Ordinance:

- A.** Airports and heliports.

11.3 ACCESSORY USES AND STRUCTURES

Accessory uses and structures shall be permitted as customarily incidental to the permitted use. No accessory structure may occupy a lot that does not have a principal structure located on the lot.

11.4 SPECIFIC USE STANDARDS

11.4.1 Landscaping

All Public developments shall comply with the minimum landscaping standards as set forth in the commercial development standards of Section 8.4.1.

11.4.2 Outdoor Display and Storage

All Public developments shall comply with the minimum outdoor display and storage standards as set forth in Section 8.4.2.

11.5 PROHIBITED USES AND STRUCTURES

All uses other than those listed as permitted, accessory, or conditional uses or substantially similar to permitted, accessory, or conditional uses shall be prohibited.

11.6 PROPERTY DEVELOPMENT STANDARDS

Minimum dimensional standards for this district are found in the following table:

Public District (P)	
Lot Area Public Sewer Septic System	No limitation (see section 14.1.2)
Lot Width (at building setback line)	No limitation
Lot Frontage Public Street	50 feet
Lot Coverage	75%
Setbacks Principal Structure Front Yard Side Yard Rear Yard	35 feet 10 feet 25 feet
Height (maximum)	35 feet

11.7 OTHER REQUIREMENTS

11.7.1 Parking

See Article 14, Section 14.5.

11.7.2 Signs

See Article 14, Section 14.8.

ARTICLE 12 CENTRAL AREA PRESERVATION OVERLAY DISTRICT (CAP)

12.0 PURPOSE

The purpose of the central area preservation (CAP) overlay district is to establish regulations that are designed to:

- A.** Maintain and preserve the unique historic, cultural, and architectural characteristics of the central area of Park City which have special or distinctive features or are of special historic, architectural, aesthetic or cultural interest and value to the city.
- B.** Promote the use and preservation of this district, thus, strengthening the economy of Park City and enhancing its attractiveness to residents, visitors and tourists.
- C.** Promote the educational, cultural and general welfare of the residents of Park City.
- D.** Stabilize and improve property values within the area of the CAP District.
- E.** Foster civic pride in the value of notable accomplishments of the past and to enhance the visual and aesthetic character, diversity and interest of Park City.

12.1 APPLICABILITY

The CAP Overlay District is an Overlay District that modifies the standards of the underlying base district. The CAP Overlay District designation is applied to a contiguous area within Park City on the Park City Zoning Map. This designation shall be made in the same manner as required to establish any zoning district the provisions of the underlying base district that are not in conflict with the provisions contained in the CAP Overlay District shall continue to be applied. Changes in or alterations to properties within the CAP Overlay District, shall conform to design guidelines adopted by the city of Park City. Owners of property shall be required to obtain a certificate of appropriateness, which meets the design guidelines, prior to any land use, new construction, structural modifications, demolition or relocation.

12.2 DESCRIPTION OF THE AREA

The following area is hereby designated a cap overlay district:

The downtown area of Park City and adjacent older residential area. See Park City Zoning Map for detailed boundary location.

12.3 DUTIES OF THE JOINT CITY-COUNTY PLANNING COMMISSION

The Joint City-County Planning Commission shall be responsible for reviewing all requests for expanding or contracting the CAP Overlay District and shall make appropriate recommendation to the Park City Commission. Changes to the CAP Overlay District shall be the same as for the creation of any zoning district.

12.4 DUTIES OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall be responsible for reviewing, approving or denying all requests for certificates of appropriateness and provide oversight in the development and implementation of the design guidelines for the CAP Overlay District.

12.5 DUTIES OF THE PARK CITY COMMISSION

The Park City Commission shall take final action on any amendment of the text of the zoning regulation, and the adoption of design guidelines for the CAP Overlay District or to the expansion or contraction of the CAP Overlay District boundary on the Official Zoning Map. The Park City Commission shall not review, approve or deny a certificate of appropriateness.

12.6 MAINTENANCE OF PROPERTY

No provision of these regulations shall be construed to allow derelict or unsafe properties to be immune from public safety regulations that may be adopted by the city of Park City or the Commonwealth of Kentucky.

12.7 DEVELOPMENT REVIEW WITHIN THE CAP OVERLAY DISTRICT

Prior to or simultaneously with an application for any building permits for new construction or exterior improvements, an application shall be made to the Park City Board of Adjustment for overlay development review and certificate of appropriateness.

Prior to an application for a demolition permit for demolition or relocation of a structure, or simultaneously with any application for a zoning map amendment within the CAP Overlay District, an application shall be made to the Park City Board of Adjustment for overlay development review and certificate of appropriateness.

12.8 PROCEDURE FOR DEVELOPMENT PLAN AND CERTIFICATE OF APPROPRIATENESS REVIEW

A request for a certificate of appropriateness must be filed at least thirty (30) days of the date desired for public hearing. When a request for a certificate of appropriateness has been filed, the Park City Board of Adjustment shall conduct a public hearing to review the overlay development plan and request for a certificate of appropriateness. Notice of such public hearing shall be given pursuant to public notice requirements as prescribed in Kentucky Revised Statutes (KRS) Chapter 424. At the time of the hearing, the Park City Board of Adjustment shall review the submitted overlay development plan for compliance with the design guidelines adopted by the Park City Commission and shall either approve or deny the certificate of appropriateness. The Board of Adjustments shall make its decision and notify the applicant with sixty (60) days of the public hearing or the overlay development plan and certificate of appropriateness shall be deemed approved by action of law.

12.9 AGREEMENT TO DEVELOPMENT PLAN AND CERTIFICATE OF APPROPRIATENESS

The filing of an overlay development plan or certificate of appropriateness shall constitute an agreement between the Board of Adjustment and the owner of the property, their heirs, successors, personal representatives and assigns. This agreement shall require that building permits for improvements of the property in question shall be applied for and issued only in conformance with the approved overlay development plan and certificate of appropriateness. The filing for a building permit not in conformance with the approved development plan and certificate of appropriateness shall constitute a

breach of agreement enforceable by the Board of Adjustment or Park City Commission.

12.9.1 WHO MAY APPLY

- A.** Nomination of an expansion or contraction of the CAP Overlay District may originate from the city of Park City, Joint City-County Planning Commission, or the property owners of the property in question. The person or organization proposing a modification shall provide the Park City Board of Adjustment, the names and addresses of the owners of the affected property and the owner of every parcel of property adjoining the property in question. Records maintained by the Property Valuation Administrator (PVA) may be relied upon conclusively to determine the identity and address of the owner.
- B.** A request for a certificate of appropriateness may originate from the property owner, their agent or a lessee of the property. When a lessee makes a request for a certificate of appropriateness, the application must include an affidavit by the property owner agreeing to the application.

12.10 PERMITTED PRINCIPAL USE AND STRUCTURES

Any permitted use or structure as set out in the underlying base district shall be permitted except that all new construction or additions to the existing principal building must have a certificate of appropriateness, meeting the design guidelines adopted by the Park City Commission prior to the beginning of construction.

12.11 PERMITTED ACCESSORY USE AND STRUCTURES

Any accessory use or structure customarily incidental to the permitted use as set out in the underlying base district are permitted except that all new construction or additions to an existing accessory structure must have a certificate of appropriateness, meeting the design guidelines, prior to the beginning of construction.

12.12 CONDITIONAL USES

Any conditional use as set out in the underlying base district shall be permitted except that in granting the conditional use, the Board of Adjustments must take into consideration the unique character and historic value of the landmark property or historic district.

12.13 PROHIBITED USES AND STRUCTURES

Any use prohibited in the underlying zoning district shall be prohibited in the CAP Overlay District. The following uses are expressly prohibited in the CAP Overlay District:

- A.** Adult entertainment establishments.
- B.** Night clubs, bars, and lounges.

12.14 COMPLIANCE WITH DESIGN GUIDELINES

When design guidelines for use within the Cap Overlay District have been prepared and adopted by the Park City Commission, the yard or setback standards of the underlying district may be modified in keeping with the design guidelines.

ARTICLE 13 MOBILE HOME PARK

13.0 MOBILE HOME PARKS

Proposed mobile home parks or expansion of existing mobile home parks require a conditional use permit and are only permitted within the Multi-family Residential District (R-3).

13.1 PERMITTED USES AND STRUCTURES

Only mobile and manufactured homes and customary accessory structures shall be permitted in mobile home parks.

13.2 PARK TO REMAIN AS WHOLE UNIT

Once established, mobile home parks shall remain as a whole unit. Sale of this property may only be considered in the form of the whole park. Individual lots may not be sold as such. Lots shall be available for rental purposes only.

13.3 GENERAL PROPERTY DEVELOPMENT STANDARDS

Each area proposed for Mobile Home Parks shall meet the standards set forth in this Section.

13.3.1 Area and Density Standards

No mobile home park shall be permitted on a lot with an area of less than three (3) acres in size. The Developer may be permitted to develop the park in stages if the Developer complies with the overall approved plan and has developed a minimum of ten (10) home spaces for use.

13.3.2 Space Standards

Individual home lots within a mobile home park shall not be less than four thousand (4,000) square feet in area where public sanitary sewer is available. The minimum lot width shall be forty (40) feet. In no instance shall more than one home be permitted on a single lot.

13.3.3 Setback and Spacing

No home or structure shall be located closer than fifty (50) feet to a public street right-of-way. No home shall be closer than twenty-five (25) feet to a street within the mobile home park, common parking areas or other common areas. The homes shall be separated from each other and from any other buildings of the park by at least twenty-five feet (25) feet.

Space Standard	Requirement
Space Size, minimum sq. ft.	4,000
Lot Width, minimum	40 feet
Front Setback, minimum from public street right-of-way	50 feet
Front Setback, minimum from street pavement within mobile home park	25 feet
Separation from other housing units, buildings or accessory structures	25 feet

13.3.4 Frontage

All mobile home parks shall front on a public street or road for at least one hundred (100) feet.

13.3.5 Internal Park Streets

All home lots shall abut upon a street. All streets within the mobile home park shall have a pavement of not less than twenty-two (22) feet in width with no on-street parking or twenty-eight (28) feet in width with on-street parking one side. Each park shall have at least one street, which gives access to a public street. Such access streets, in either a single mobile home park or adjoining parks, shall not be less than 100 feet apart. All internal park streets shall conform to the street construction and design standards of the Subdivision Regulations. All internal park streets shall be maintained by the owner of the park.

13.3.6 Street Lighting

All mobile home parks shall be equipped with street lighting units which shall comply with the minimum recommended standards contained in the American Association of State Highway and Transportation Officials (AASHTO) publication entitled, "Information Guide for Roadway Lighting".

13.3.7 Off-Street Parking

One paved automobile parking area shall be provided on every mobile home lot, plus one (1) parking space for each mobile home lot. This additional parking may be in a central location, but in no case shall such parking be more than three hundred fifty (350) feet from the mobile home space for which it is provided.

13.3.8 Design Standards

- A. All housing unit spaces shall be designed so that the unit can be moved on or off the site without moving any other unit.
- B. All units must meet the HUD Code for manufactured housing or be affixed with a Commonwealth of Kentucky "B" Seal.

- C. All units must be in good repair at the time of their placement, and shall be maintained in good repair thereafter.
- D. Each unit shall be placed on a permanent foundation, and skirted to enclose the area below the unit.

13.3.9 Home Stands

The area of the home stand shall be improved to provide adequate support for the placement and tiedown of the housing unit, thereby securing the superstructure against uplift, sliding, rotation, and overturning. The home stand shall not heave, shift or settle unevenly under the weight of the home due to frost action, inadequate drainage, vibration or other forces acting on the structure.

13.3.10 Anchors and Tiedowns

The home stand shall be provided with permanent anchors and tiedowns which shall secure the stability of the housing unit. Each housing unit shall be secured in such a manner as to prevent the uplift, sliding, rotation, or overturning of the superstructure.

13.3.11 Sewage Disposal

All mobile home parks shall be connected to the public sewer system. Individual septic systems may not be used.

13.3.12 Utilities

All lots within a mobile home park must be provided with water, sewer, electrical, and/or gas facilities meeting the standards specified by city and state regulations each home shall be properly connected with said utilities.

13.3.13 Fire Protection

- A. Water mains serving mobile home parks shall not be less than six (6) inches in diameter, including hydrant branch connections installed in conformity with the minimum requirements of the servicing utility.
- B. Fire hydrants shall meet minimum specifications and shall be installed no farther apart than five hundred (500) feet. In no instance shall the distance of any mobile home from a fire hydrant exceed five hundred (500) feet.

13.3.14 Accessory Structures

No accessory structure shall be located within five (5) feet of any home lot line. The maximum floor area of accessory structures shall not exceed one hundred-twenty (120) square feet and the maximum height shall be no greater than ten (10) feet. All structures shall be built in compliance with the building code.

13.3.15 Open Space

- A. In each mobile home park there shall be provided one or more open space areas which shall be easily accessible to all park residents,

centrally located, and free of traffic hazards. Pedestrian travelways (sidewalks, trails) are encouraged.

- B. The size of such open space area shall be equal to a minimum of two hundred (200) square feet for each housing unit. No open space area shall contain less than ten thousand (10,000) square feet. Drainage retention areas may not be considered open space or counted towards this requirement.

13.3.16 Signs

Signs intended to be seen outside property boundary lines shall meet the following standards:

- A. One non-illuminated identity sign at each entrance to the mobile home park not to exceed fifty (50) square feet per side shall be permitted.
- B. No sign shall project beyond a setback line, or obstruct in any way a driver's vision of the road.
- C. One unlighted sign advertising the sale of any home or rental of any space shall be placed only on the space of the home or space which is to be rented or sold.
- D. One unlighted sign advertising the sale of any home or rental of any space located within the mobile home park may be located at the entrance of such park provided said sign shall not be over twenty (20) square feet in area.

13.3.17 Other Development Standards

13.3.17.1 Responsibilities of Park Management

The mobile home park owner shall be responsible for operating the park in compliance with this Zoning Ordinance, meeting all standards and requirements herein, and shall be responsible for and provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

13.3.17.2 Housing Unit Placement

The mobile home park owner shall supervise and be responsible for the placement of each housing unit on its stand in accordance with requirements of this Section, including securing the stability of the housing unit and installing all utility connections.

13.3.17.3 Space Numbering and Addressing

The mobile home park owner shall submit a plan of the park with each space numbered thereon to the appropriate addressing agency to obtain official address for the location of each proposed home.

13.3.18 Procedure for Permitting

Applicants for a permit to operate a mobile home park shall submit a copy of the application submitted to the Kentucky Cabinet for Human Resources as required by KRS 219.350 as amended, and in addition shall furnish the Board of Adjustment the following information:

- A.** Detailed Final Plat and Development Plan showing all dimensions and locations of all proposed lot lines, roads, easements and numbering for each mobile home lot.
- B.** Detailed Stormwater Management Plan.
- C.** The location of all utilities (public and private water, sewer, drainage, electrical, and gas) facilities and easements.
- D.** The location of public areas such as visitor parking, recreational areas, etc.
- E.** A large scale plan of one typical mobile home lot showing location, automobile parking, etc.
- F.** The location of plantings for landscape purposes, or as may be required for protective screening by the Board of Adjustment.

13.3.19 Issuance of Zoning Permits

the Board of Adjustment may attach reasonable conditions to approval of a mobile home park and may direct the Zoning Administrator to issue a permit subject to such conditions.

13.3.20 Issuance of Certificate of Occupancy

The Zoning Administrator shall issue a certificate of occupancy only after he has determined that the mobile home park has been developed according to all applicable regulations and special conditions, and that the applicant has received a valid permit to operate from the state department of health as required by KRS 219.130.

13.3.21 Enforcement

The Zoning Administrator shall ensure that all mobile home parks maintain valid permits to operate, and that they maintain conformance with all applicable regulations and special conditions.

ARTICLE 14 SUPPLEMENTARY REGULATIONS

14.0 PURPOSE

The purpose of this Section is to set forth in a consolidated manner the exact physical, operational and other performance or design standards which must be met by each and all districts, uses, buildings, structures, or any alterations of lands; and also to clarify areas where problems are frequently encountered.

14.1 SANITARY SEWAGE PROVISIONS

No use, building, or structure shall be conducted or constructed without the infrastructure to insure that sufficient sewage disposal capacity is available to meet the needs of the particular site's users and to protect the environment.

14.1.1 Public Sewer Available.

- A. Development of land located within one thousand (1000) feet of a public sanitary sewer, measured by way of public rights-of-way or public utility easements, shall be served by public sanitary sewer.
 - 1. Construction of off-site sewer improvements which may be required by this Section shall be constructed by the Developer and completed to the specifications for size, material and construction of the sewer utility which serves the property and shall become the property of that utility upon completion.

14.1.2 Public Sewer Not Available.

- A. Development of land farther than one thousand (1000) feet from existing public sanitary sewer shall show one of the following:
 - 1. That the property, including all resulting building lots, will be served by sanitary sewer and that the applicant or his successor will extend sewer to the site at their sole expense; or
 - 2. That the proposed development is limited to residential use and that each lot created is at least one (1) acre in size, exclusive of drainage easements and flood plains, and a site evaluation by the Barren River District Health Department certifies that a conventional septic system is acceptable; or
 - 3. That it is a commercial use or development where public sanitary sewer is not available, and a site evaluation by the Barren River District Health Department certifies that a conventional septic system is acceptable, and that exclusive of drainage easements and flood plain:
 - (a) the total of all structures on the site is less than six thousand (6,000) square feet and the site is at least three (3) acres, or

- (b) the total of all structures on the site is less than ten thousand (10,000) square feet and the site is at least five (5) acres, or
 - (c) the total of all structures on the site is between six thousand (6,000) and ten thousand (10,000) square feet and the site is at least three (3) acres and a Conditional Use Permit has been obtained for the use from the Board of Adjustment.
- 4. That it is an industrial use or development occupying a structure less than six thousand (6,000) square feet, and public sanitary sewer is not available, the site is at least three (3) acres in size, exclusive of drainage easements and flood plains and a site evaluation by the Barren River District Health Department certifies that a conventional septic system is acceptable.

14.2 FIRE PROTECTION REQUIREMENTS

Public water lines shall be available to a proposed development site for the following uses sufficient to meet the fire protection standards of the applicable local water agency having jurisdiction:

- A. Multi-family residential dwellings, commercial and industrial developments.
- B. Major Subdivisions and any series of Minor Subdivisions as prescribed by the Subdivision Regulations.

14.3 REAR DWELLINGS

No building in the rear of a principal building on the same lot may be erected or modified for residential purposes, unless approved by the Board of Adjustment as a conditional use. The Board of Adjustment shall determine that the development conforms to all yard and open space requirements and that adequate vehicular access will be provided.

14.4 HEIGHT LIMITATION EXCEPTIONS

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes not intended for human occupancy, monuments, water, observation, transmission and cellular antenna towers, windmills, chimneys, smokestacks, derricks, conveyers, flag poles, masts, and aerals.

14.5 OFF-STREET PARKING

Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley.

14.5.1 Required Spaces

The following are minimum requirements for specific uses. All measurements utilizing square feet shall be square feet of gross floor area unless otherwise expressly stated. Combined uses shall be required to provide parking equal to the total requirements for the individual uses. Where necessary, calculations shall be based on Kentucky Building Code Occupancy load requirements.

Use	Spaces Required
Auto Showroom or Dealer (New or Used)	1 space per 400 sq. ft. of showroom and office space, plus 2 spaces per service bay
Bed and Breakfast	1 space per bedroom
Conference Center	1 space per 150 sq. ft. of main meeting room space
Day Care	1 space per 400 sq. ft., exclusive of kitchens and bathrooms
Dwellings	2 spaces per family dwelling unit
Furniture Stores	1 space per 400 sq. ft. of showroom and office space, plus 2 spaces per service bay
Hospitals	1 space per 4 beds plus 1 space per 1,000 sq. ft.
Hotel or Motel	1 space per bedroom plus 1 space per 400 sq. ft. of banquet, office, or meeting space
Industrial Plant, Factory, etc.	1 per employee maximum shift, plus 1 space for each vehicle operated by the use
Library, Museum, Art Gallery	1 space per 1,000 sq. ft., plus 5 for each meeting or special facility room
Medical Office, Health Clinic, Pharmacy	1 space per 200 sq. ft.
Nursing Home, Assisted Living Facility	1 space per 4 authorized beds plus 1 space per 1,000 sq. ft.
Office	1 space per 300 sq. ft.
Place of Public Assembly (Auditorium, Place of Worship, Stadium, Theater, etc.)	1 space per 5 seats maximum capacity
Restaurant	1 space per 4 seats maximum capacity
Retail or Commercial Use	1 space for each 300 sq. ft.
School, Elementary or Middle	2 spaces per classroom
Wholesale, Storage or Warehousing	2 spaces per 1,000 sq. ft.
Uses not elsewhere specified	1 space per 200 sq. ft.

14.5.2 Adjacent Space Not Available

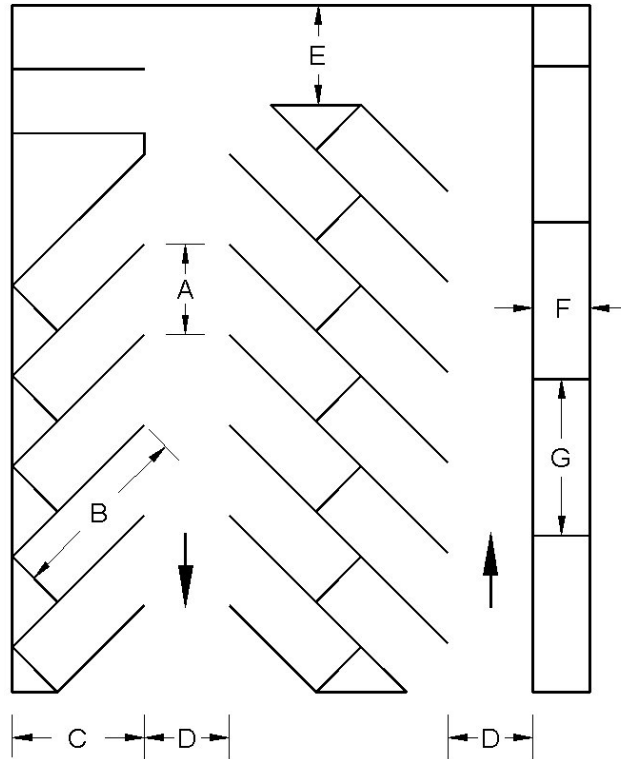
If vehicle parking space required in Section 14.5.1 cannot be reasonably provided on the same lot on which the principal use is conducted, in the opinion of the Board of Adjustment, the Board of Adjustment may permit such space to be provided on other off-street property provided that space lies within four hundred (400) feet of an entrance to the principal use. This vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

14.5.3 Unloading Space

Every new building or structure intended for business or trade shall provide not less than one (1) loading and unloading space, which will accommodate large trucks, tractors, and semi-trailers for the delivery and receipt of merchandise off the street. Such space shall have access to a public alley, or if there is no alley, to a public street.

14.5.4 Parking Space Design (Business and Industrial Development)

The standards for the minimum width of parking spaces plus the aisle are shown in the following table:

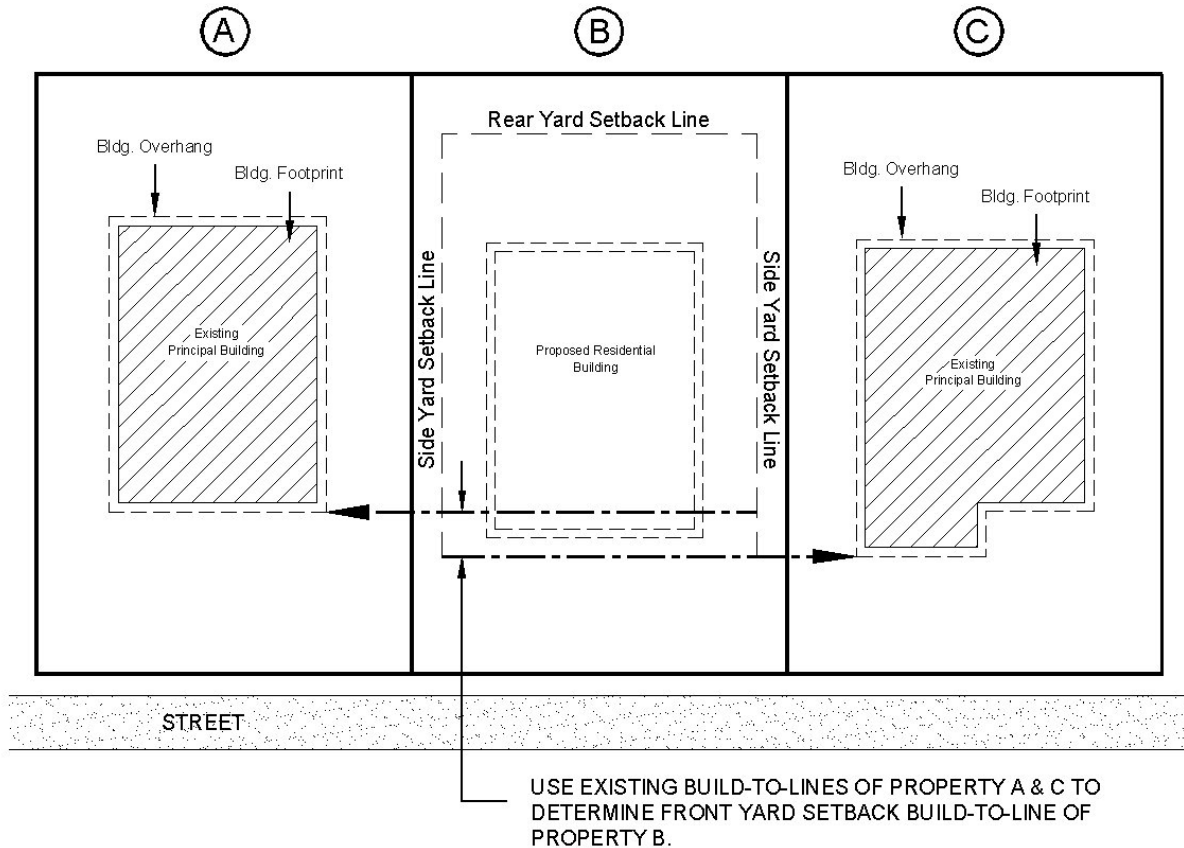


Minimum Parking Layout Dimensions (in feet) for Parking Stalls at Various Angles

Description	Diagram	45°	60°	75°	90°	Parallel
Stall width, parallel to aisle	A	12.7'	10.4'	9.3'	9.0'	
Stall length of line	B	25.0'	22.0'	20.0'	18.5'	
Stall depth to wall	C	17.5'	19.0'	19.5'	18.5'	
Aisle width between stall lines	D	12.0'	16.0'	22.0'	24.0'	22.0'
Cross Aisle, one-way	E	12.0'	12.0'	12.0'	12.0'	12.0'
Cross Aisle, two-way	E	22.0'	22.0'	22.0'	22.0'	22.0'
Parallel parking space width	F					8.0'
Parallel parking space length	G					22.0''

14.6 BUILDING SETBACK EXCEPTION

The front yard setback requirement may be varied without Board of Adjustment approval for new residential developments proposed on existing and new lots of record where the depth of principal buildings on adjoining properties is less than the depth prescribed elsewhere in this Ordinance. In such case the front yard in question shall not be less than the shorter depth of existing front yards on the two (2) lots immediately adjoining the subject property. Corner lots shall conform to applicable front yard setbacks of the zoning district and existing multi-family and commercial buildings shall not be used in analysis of front yard setbacks.



14.7 TRANSPORTATION MANAGEMENT REGULATIONS

14.7.1 Intent

To promote effective multi-modal transportation including safe and reasonable access between public roadways and adjacent land, transit service, bicycle, and pedestrian travel. These regulations aim to improve the convenience and ease of movement of travelers on public roads and provide for the reasonable speeds and economy of travel while maintaining the capacity of the roadway. The location and design of transportation facilities shall be in accordance with the following regulations. These regulations shall apply to all existing, planned, or proposed transportation facilities within the city of Park City.

14.7.2 Provisions for Bicycle Facilities

The Joint City-County Planning Commission and Kentucky Transportation Cabinet may provide for or require bike lanes, routes, or paths. Bicycle facilities are currently planned for Park City in the proposed Bicycle and Pedestrian Trails Plan.

All bicycle facilities must be accompanied by appropriate pavement markings and signage and designed according to the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities. These multimodal facilities must be incorporated into the design of circulation patterns of sites and in the location of access points. Such facilities should be considered in the design of public streets by both developers and the city.

14.7.3 Provisions for Pedestrian Network

Sidewalk connections to adjacent developments and/or public rights-of-way shall be provided along public roads. New developments or re-development of existing sites shall provide sidewalks along public roads. Where adequate right-of-way does not exist, right-of-way or public sidewalk easements shall be granted. The width of the sidewalks shall be in conformance with the requirements of the Subdivision Regulations. At intersections and pedestrian crosswalks, wheelchair ramps shall be installed.

14.7.4 Street Frontage Required

Every lot hereafter established shall abut at least fifty (50) feet on a public street as to provide safe and convenient access for servicing, fire protection and required off-street parking.

14.7.5 Access Control

14.7.5.1 Approval of Access Points

All access to roadways for development purposes require site plan approval of the Zoning Administrator or Planning Commission, where appropriate, as to conformity of this Ordinance.

14.7.5.2 Approval of Access Points Along State and Federal Highways

A copy of the plans for all access points to be constructed along a state-maintained or controlled route shall be submitted to the Kentucky Transportation Cabinet for review and approval at the same time as plans are submitted to the Zoning Administrator or Planning Commission, where appropriate. Permission for the construction of access points along state-maintained roadways is subject to the approval of plans by both the local and state agencies.

14.7.5.3 Number and Location of Access Points

In order to minimize the potential for accidents and delay to through vehicles, all adjacent driveways onto public roadways must comply with the following requirements listed below. These minimum requirements may be adjusted slightly to better accommodate minimum sight distance requirements if determined by the Zoning Administrator that such adjustment is necessary to preserve the

intent of these regulations.

- A.** No point of access shall be allowed within twenty (20) feet of the intersection of the right-of-way of intersecting streets.
- B.** Lots of less than one hundred (100) feet in width shall have no more than one (1) point of access to any one public street. Lots wider than one hundred (100) feet in width shall be allowed one (1) additional point of access to the public street for each additional one hundred (100) feet of width.
- C.** A point of access designated for one-way traffic and consisting of only one lane shall not exceed twenty (20) feet in width. A point of access designated for two-way traffic and consisting of two or more lanes shall not exceed thirty-six (36) feet in width.
- D.** The Zoning Administrator may require that when two (2) or more proposed business establishments adjoin, or are so located along side of a street as to make a single point of access practical, the establishments should share such access.
- E.** If a property cannot be served by any access point meeting these standards, the Board of Adjustment may designate one or more access point(s) based on operational needs and conformance to as much of the requirements of these regulations as possible.

14.7.5.4 Coordination of Access Points

Access points on opposite sides of arterial and collector roadways shall be located opposite each other. If not so located, turning movement restrictions may be imposed as determined necessary by the Zoning Administrator. In addition, in order to maximize the efficient utilization of access points, access drives shall be designed, located, and constructed in a manner to provide and make possible the coordination of access with and between adjacent properties developed (present or future) for similar or compatible uses. As a condition of approval for construction, use, or reuse of any access point, the Zoning Administrator may require that unobstructed and unencumbered access, in accordance with the provisions of this Ordinance, be provided from any such access point to adjacent properties if the uses are similar or compatible and such connection is physically possible.

14.7.5.5 Existing Access

Existing access points, even if not in use, may not be relocated, altered, or developed without approval of the Zoning Administrator.

14.7.5.6 Restriction of Turning Movements

Where necessary for the safe and efficient movement of traffic, the Zoning Administrator or Planning Commission, where appropriate, may require access points to provide for only limited turning movements. Access points with restricted turning movements must still meet requirements for number and location of access points as specified in these regulations.

14.7.5.7 Construction Access Points

Temporary construction access may be granted to undeveloped property prior to development of a site plan if access is needed for construction or preliminary site access. Construction accesses are subject to removal, relocation, or redesign after final site plan approval.

Temporary construction access points should be encouraged for proposed development sites in an effort to avoid safety hazards that might be caused by construction traffic utilizing existing street networks and entrances and to minimize the impact heavy construction traffic would have on existing street surfaces.

14.7.5.8 Vehicle Storage/Circulation

No access will be approved for parking or loading areas that require backing maneuvers in a public street right-of-way except for single-family or duplex residential uses on local streets. Any parking facility must have full internal vehicular circulation and storage. Vehicular circulation must be located completely within the property. In addition, each portion of the development must have access to all other portions without using the adjacent street system. Where a proposed development includes a truck loading operation, adequate space must be provided such that all truck maneuvering is performed off street.

Adequate stacking capacity must be provided for both inbound and outbound vehicles to facilitate safe movement. Inbound vehicle storage areas must be of sufficient size to ensure that vehicles will not obstruct the adjacent street, sidewalk, or circulation within the development. Outbound vehicle storage areas must be provided to eliminate backup and delay of vehicles within the development.

14.7.5.8.1 Stacking Spaces for Drive-Thru Facilities

In addition to meeting the off-street parking requirements of this Section, drive-thru facilities shall comply with the following minimum stacking space per lane standards:

Use Type	Minimum Spaces	Measured From
Automated teller machine	3	Teller
Bank teller lane	4	Teller or window
Car wash stall, automatic	6	Entrance
Car was stall, self-service	3	Entrance
Gasoline pump island	2	Each end of pump island
Restaurant drive-thru	8	Pick up window
Other drive-thru	3	Pick up window

14.7.5.9 Traffic Studies

Traffic studies may be required by the Planning Commission in order to adequately assess the impact of a development proposal on the existing and/or planned street system. The primary responsibility for assessing the traffic impacts associated with a proposed development will rest with the developer, while the Planning Commission serves in a review capacity. The traffic study will be the responsibility of the applicant and must be prepared by a Professional Engineer.

14.7.5.10 Signalized Access Points

The Planning Commission may require a traffic study before approving the location and design of a proposed signalized access point. If the installation of a traffic signal is approved, the developer shall be responsible for the cost of purchasing, installing, operating, and maintaining the signal equipment.

14.7.5.11 Provisions for Maintaining the Level of Service of the Roadway

The Planning Commission may require that all traffic requiring access to and from a development shall operate in such a manner as to not adversely affect the level of service of the existing roadway. Provisions for the present or future construction of a frontage road, restriction or channelization of turning movements, or other improvements may be required, as a condition of approval, in order to maintain the level of service of any adjacent roadway.

14.7.5.12 Provisions of Exclusive Turning Lanes and Deceleration Lanes

At those access points where vehicles turning to and from the roadway will affect the capacity of the roadway, the developer shall dedicate sufficient right-of-way and construct turning lanes or deceleration lanes as necessary to maintain the capacity of the roadway. If the roadway in question has bike lanes, the developer shall also include adequate right-of-way for the bike lane and continue the bike lane through the access point. Acceleration lanes should be discouraged except for freeway applications.

14.7.5.13 Provisions of Frontage Roads

The Planning Commission may require the use of frontage roads to provide access to property adjacent to arterial and collector roadways. The landowner/developer may be required to construct the frontage road to the side and/or rear property lines or reserve sufficient right-of-way to allow future construction of such road.

As adjacent property develops, the landowner/developer shall be required to interconnect the individual portions of frontage roads as appropriate. Access to the roadway via an intersecting street or a common driveway may be required if the use of a frontage road is not feasible, as may the interconnecting of parking lots.

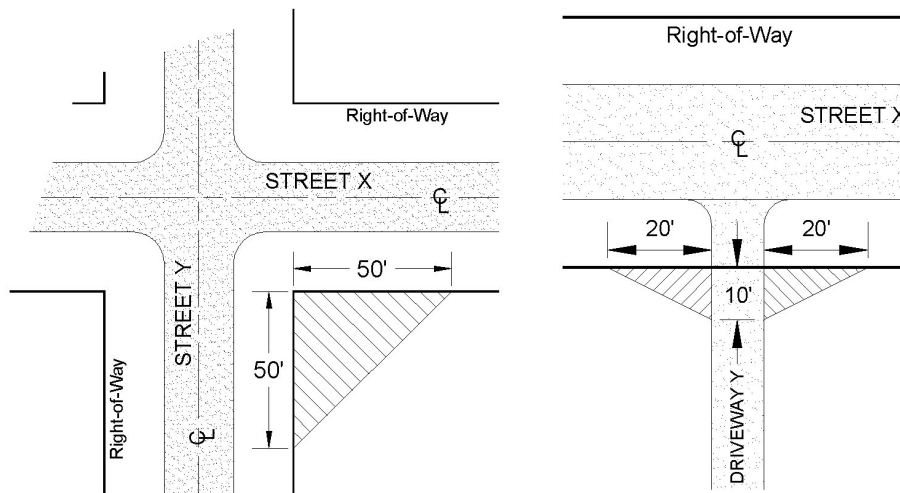
14.7.6 Sight Distance Triangle

No structure, fence, or vegetation shall be permitted to obscure the vision of the public at any street, alley or driveway intersection, in accordance with the applicable sight distance triangle set forth below.

14.7.6.1 Required Sight Distance Triangles

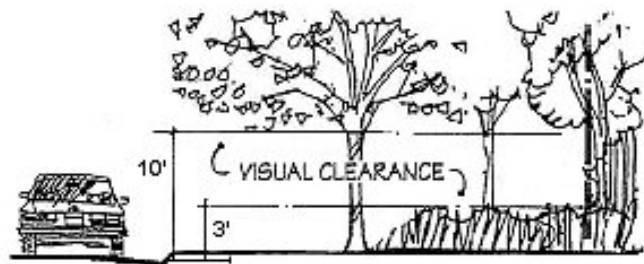
Distances are measured parallel and perpendicular along the street right-of-way.

X Type	Y Type	X Dimension	Y Dimension
Street	Street	50'	50'
Street	Alley / Driveway	20'	10'



14.7.6.2 Obstructions in Sight Distance Triangle

- A. There shall be no obstruction of vision within the sight distance triangle between the height of 3 feet and 10 feet above the average grade of each street, alley or driveway.



- B.** Signs otherwise permitted by this Ordinance may be located within the sight distance triangle provided that no part of such sign exceeds a horizontal dimension of 12 inches between the 3 foot and 10 foot vertical limitations mentioned above.

14.8 SIGNS

It is the purpose of this Section to permit such signs that will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety or otherwise endanger the public morals, health, or safety; and further to regulate such permitted signs in such a manner as to prevent them from causing annoyance or disturbance to the citizens and residents of Park City.

14.8.1 On-premise Signs

14.8.1.1 Residential Districts

The following chart contains the on-premise sign regulations for residential districts.

Types of Signs Permitted	Regulations
Ground Pole and Wall Signs	<p>A. Nameplate signs shall not exceed two (2) square feet in area;</p> <p>B. Identification signs for Conditional Uses shall not exceed twenty-four (24) square feet;</p> <p>C. Nonconforming business in residential zones shall not aggregate more than one hundred (100) square feet in area;</p> <p>D. Real estate signs advertising the sale, rental, or lease for only the premises which they are maintained, and not over six (6) square feet in area. Such sign shall be removed after the property has been sold.</p>

14.8.1.2 Public, Business and Industrial Districts

The following chart contains the on-premise sign regulations for public, commercial and industrial districts.

Types of Signs Permitted	Regulations
Wall Signs	One (1) square foot for each lineal foot of building frontage is the maximum area , not to exceed three hundred (300) square feet. Fifteen (15) inch projection limitation. Identification purposes only. May not extend above roof line, no more than two (2) major identification signs per place of business may be permitted.
Portable Signs	Height not greater than five (5) feet and a width not greater than three (3) feet located not more than ten (10) feet from the door of a business which are displayed only during the hours the business is open and removed at all other times. No more than one (1) such sign shall be permitted for any business. Each sign shall be constructed and situated in such manner that it shall not be a hazard to pedestrians, customers, or traffic.
Free Standing Signs	Setback same as for buildings. Seventy percent (70%) identification of business. Thirty-five (35) feet maximum height. One hundred fifty (150) square feet maximum area.
Banner signs	Two (2) banners per ten (10) linear feet of building frontage with a maximum of sixty (60) square feet (buildings on corner lots shall be double frontage). At no time shall in excess of seventy five (75%) percent of the building facade be covered by banners. At any one time, the total number of banners per place of business shall not exceed four (4). Banners shall be fastened securely to the building or some other permanent supportive structure so that there is virtually no danger that the banner may be moved by the wind or other forces of nature. At no time shall any banner be affixed as to be a hazard to pedestrians, customers or traffic.
Pennants and streamers	Pennants and streamers with no general products advertising or listing or specific goods or services shall be limited to two (2) pennants or streamers per ten (10) feet of linear property line frontage. Placement of pennants and or streamers shall at a minimum provide eight (8) feet of vertical clearance and shall not project into the right-of-way. Pennants and streamers shall be securely attached to a permanent structure.

14.8.2 Off Premise Advertising Signs

14.8.2.1 Placement Regulations

Off-premise advertising signs will not be permitted to be erected in or within:

- A.** Fifty (50) feet from automobile bridges, nearest corner of street intersections (unless on roof structure), interstate highway right-of-ways, or an on-premise sign equal to or greater than one hundred fifty (150) square feet in area; nor
- B.** Seventy-five (75) feet from residential districts; nor
- C.** One hundred (100) feet from any public park, historic or recreation area, school, churches, or another off-premise sign of any size.
- D.** Five hundred (500) feet from another off-premise sign directed towards same interstate, limited access, or arterial highway;
- E.** The placement of one panel on top of another panel is prohibited;
- F.** Off-premise signs will not be permitted to be erected unless the back of the sign is shielded from public view from a building or street by another structure of equal or greater dimensions, or by high planting or unless such back is enclosed in a solid backing and painted a neutral color.
- G.** The maximum height for all off-premise signs is thirty-five (35) feet or the maximum height permitted for buildings in the district, whichever is lesser.

14.8.2.2 District and Area Regulations

District	Regulations
B-1 and I-1	Ground-pole signs only; three hundred (300) square feet per facing maximum area; back to back and "V" type prohibited; and, setback same as for buildings.
I-2	Ground-pole signs only; three hundred (300) square feet per facing maximum area; back to back and "V" type permitted; and, setback same as for buildings.

14.8.3 Signs Prohibited

- A.** Signs that incorporate in any manner any flashing or moving lights.
- B.** String lights or any unshielded light that is visible by the public from a public street, and is used in connection with commercial premise for commercial purposes, including attention-getting, other than Christmas decorations.
- C.** Any sign that has any visible moving part, visible revolving parts or visible mechanical movement achieved by electronic or mechanical

means or action or normal wind currents.

- D. Any sign that obstructs or detracts from the visibility of any traffic sign or traffic control device on public streets and roads, by reason of the size, location, coloring or illumination.
- E. Any sign or sign structures which (1) is structurally unsafe, (2) constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidate or abandonment, (3) is not kept in good repair, or (4) is capable of causing electrical shocks to persons likely to come into contact with it.
- F. Signs which make use of words such as "STOP", "LOOK", "DANGER", "YIELD", or other similar words, phrases, symbols or characters in such a manner as to imply the need or requirement of stopping or the existence of danger.
- G. Portable signs, folding signs, "A" frame signs, "T" shaped or any other similar free-standing signs not permanently anchored or secured to either a building or the ground except as specifically authorized by Section 14.8.1.
- H. Free-standing signs that extend or are built over public property.
- I. Temporary window feature signs using more than twenty percent (20%) of a window in a commercial business.
- J. Wall signs painted on a building.
- K. Any sign extending more than forty (40) feet above the base of the structure.
- L. Any sign erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- M. Any sign other than governmental traffic control signs or devices that is or would be located in the right-of-way of any street or highway without the written permission of the governmental body holding the right-of-way.

14.8.4 Placement of Political Signs

One temporary sign per candidate and/or ballot issue per lot relating to an election shall be allowed. Signs shall not exceed four (4) square feet in surface area in residential districts and thirty-two (32) square feet in surface area in all other districts. Signs shall not be placed within the clear site triangle as defined by Section 14.7.6 (Sight Distance Triangle) and shall not be placed within any public right-of-way. Signs shall be erected no earlier than sixty (60) days prior to the election and removed within five (5) days after the election.

14.9 PARKING AND STORAGE OF CERTAIN VEHICLES

Within residential zones, unlicensed vehicles and disabled vehicles shall be stored inside an enclosed building or structure. Disabled vehicles are those which are in any state of disassembly, unable to drive under their own power, or are otherwise not roadworthy for driving on public streets. Automotive vehicles shall be parked or stored on a paved surface. One recreational vehicle or one trailer, which does not exceed twenty-five (25)

feet in length or 9 feet width, may be stored in a side yard (excluding corner side yard) or rear yard only and shall be stored or parked only on a paved surface.

Vehicles used for employment or business purposes that are larger than a full size pick-up or a full size van (larger than one ton), or commercial style vehicles, trailers, implements, and equipment regardless of size such as dump trucks, tow trucks, bobcat style implements, and trailers carrying lawn service equipment, shall not be stored or parked within residential zones unless stored inside an enclosed building or structure. In multi-family dwelling units or mobile home parks, storage of recreational vehicles or boats shall be in designated areas only. These designated areas shall be illustrated on the appropriate zoning permit or site development plan.

In business districts, recreational vehicles or boats, shall be placed in designated storage areas only which are indicated on the approved zoning permit or site development plan and not in any designated parking area.

14.10 DRIVE-THROUGH FACILITIES

Drive-through facilities are permitted only when listed as a permitted use in the applicable zoning district and in accordance with the following standards:

- A.** Drive-through facilities must be incidental and subordinate to the principal use of the property.
- B.** The vehicular lane(s) serving a drive-through facility must be a minimum of ten (10) feet wide. This minimum ten (10) feet wide driving lane is for the exclusive use of the drive-through facility, and parking spaces can not be situated so that vehicles must back into it.
- C.** Canopies, awnings, or other structural components which are part of drive-through operations shall be attached to the principal building and have a design which is integral with the principal building by using the same materials, colors, and design details or stylistic features.
- D.** Drive-through lanes, windows, canopies, or other structures, shall be located at the side or rear of the principal structure only.
- E.** Intercoms or other audio devices used in conjunction with a drive-through facility shall not be audible beyond the property line of the lot containing the drive-through facility.
- F.** Signage for drive-through facilities shall conform to the requirements of Section 14.8.

14.11 PUBLIC RIGHT-OF-WAY

Nothing in this Ordinance shall permit the placement of any structure or use in any public right-of-way except publicly owned uses or structures and mailboxes.

14.12 FLOOD HAZARDS

No building or structure shall be constructed in a drainage easement, floodplain or any land designated as floodplain on the flood insurance maps of the Federal Emergency Management Agency.

14.13 MAINTENANCE OF RETENTION/DETENTION AREAS

Storm sewer systems are designed to collect and convey stormwater runoff from street inlets, runoff control structures, and other locations where the accumulation of stormwater is undesirable. The objective is to remove runoff from an area fast enough to avoid unacceptable amounts of ponding damage and inconvenience. No storm sewer shall be permitted to run into a sanitary sewer system within a proposed subdivision. In general, the amount of stormwater runoff should be equal in terms of pre-development and post-development given the design of the stormwater system. Stormwater runoff from a site or subdivision shall not adversely impact natural drainage from an uphill drainage basin or to a downhill drainage basin or adjacent properties. The property owner shall be responsible for stormwater drainage facilities located on private property where runoff will be principally collected within that property and be minimally discharged over a larger area before the stormwater naturally drains on adjacent properties, unless a large drainage basin exists or is being planned. Stormwater drainage easements should be required if stormwater is directly discharging from a pipe to an adjoining property and not being dispersed on the subject property.

14.14 CONSTRUCTION PROVISIONS

- A.** Any construction, excavation or grading activity shall not cause physical damage to any adjoining property.
- B.** The premises shall be kept in neat and clean condition at all times. Paper and debris and other trash shall be contained in trash receptacles or removed from the property to an appropriate location. Any inoperable equipment must be removed from the property.
- C.** All erosion, siltation, and water impoundment must be handled in accordance with the Subdivision Regulations.
- D.** Any use of streets or walks for the depositing of construction materials may be permitted under the following provisions:
 - 1.** Material shall not obstruct more than fifty percent (50%) of the sidewalk unless a safe, temporary walk is provided.
 - 2.** Material shall not obstruct the free passage of vehicles in the streets. A sufficient portion of the street must be left unobstructed.
 - 3.** Materials deposited so as to obstruct gutters, sewers, sidewalks, and drainage patterns to protect such improvements from the construction being performed shall be immediately removed when no longer needed to protect such improvements.
 - 4.** Material deposited in the right-of-way shall be marked in such a way so that it is visible both day and night.
- E.** All equipment and materials used during the construction, excavation, or grading process shall be removed upon completion of the work within seven (7) days. Solid waste or remaining construction debris shall be disposed of properly.
- F.** If any damage should occur to the street, sidewalks, or adjoining property, it must be immediately repaired by the contractor or developer.
- G.** For failure to comply with the provision of this Section, a penalty of fifty dollars

(\$50.00) per day shall be imposed from the date of written notice from the Zoning Administrator that a violation has occurred, provided that each day's violation thereof shall be a separate offense for the purpose thereof. Such penalty shall be in addition to any other penalties imposed by this Ordinance. Certificates of Occupancy shall be held for any completed construction in violation of this Section until penalties imposed are paid. In the event that violations of this Section have occurred, which in the discretion of the Zoning Administrator creates an immediate danger peril to the community, the Zoning Administrator may issue an order to immediately cease and desist further construction, grading, and excavation until such violations have been corrected.

14.15 CELLULAR ANTENNA TOWERS AND CELLULAR TELECOMMUNICATIONS SERVICES

14.15.1 Purpose

The purpose of this Section is to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community; to provide for such facilities in coordination with the recommendations of the Comprehensive Plan, regulations and procedures adopted by the Planning Commission and the requirements of this Zoning Ordinance; and to allow for such facilities with the intention of furthering the public health, safety, and general welfare.

14.15.2 Applicability

Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower for cellular telecommunications services or personal communications services shall submit a completed uniform application to the Joint City-County Planning Commission for consideration in accordance with adopted Planning Commission regulations and procedures. The Planning Commission shall not regulate the placement of antennas or related equipment on an existing structure.

14.15.3 Design Standards

The applicant shall provide information demonstrating compliance with the adopted regulations and procedures of the Planning Commission and the following requirements:

Where the Planning Commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Planning Commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

1. Monopole cellular antenna towers shall be permitted in any zone. Lattice and guyed cellular antenna towers shall be permitted in any zone except for residential zones or the Central Area Preservation (CAP) Overlay District.

2. All structures constructed in connection with cellular antenna towers, except fences, shall be located a minimum distance from the property line or lease line equal to the setback of the respective district plus one-half (1/2) the height of the tower. All structures constructed in connection with stealth towers shall comply with the applicable setback requirements established for other structures within the applicable zoning district. Stealth towers that are to be located as part of a utility service facility (e.g. power pole or telephone pole) shall comply with setback requirements applicable to such utility service facilities, if any. No tower may be located closer than fifty (50) feet to any property line.
3. A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point.
4. The cellular antenna tower shall be constructed in compliance with the current ANSI/EIA/TIA 222-F standards and other applicable state standards.
5. Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.
6. The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points subject to the requirements outlined in Section 14.7.5.
7. Woven wire or chain link (eighty (80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open) shall be used to enclose the site. Such fences shall not be less than six (6) feet in height nor more than eight (8) feet in height. The use of barbed wire or sharp pointed fences shall be prohibited; such fence may be located within the front, side, or rear yard.
8. Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten (10) foot setback.
9. Surfacing of all driveways and off-street parking areas shall comply with the requirements of this Ordinance.
10. There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.

14.16 ADULT ORIENTED USES

The purpose of this section is to establish appropriate requirements under which adult oriented uses may locate within the city of Park City. It has been demonstrated

statistically through verifiable studies in numerous communities that adult oriented uses have harmful secondary effects on the communities in which they locate, particularly when near residential or other areas in which residential, educational, religious and/or recreational uses are permitted.

14.16.1 Findings upon which this Ordinance is Based

The harmful secondary effects which adult oriented uses have on communities in which they locate include inappropriate exposure of children and teenagers to graphic sexual images, increased incidence of crime, diminished property values, discouragement of other types of commercial activities, discouragement of residential, educational, religious and recreational uses, hereafter referred to as protected uses. The cumulative effect of the location of adult oriented uses, especially in concentration, is a change in the perceived community character and the diminishment of the quality of life or business for the other uses in the neighborhood in which the adult oriented uses are located. Regulation of adult oriented uses is necessary to reduce the secondary harmful effects of these uses, including, but not limited to, the decline of community health and safety and the blighting of surrounding neighborhoods and uses. Regulation of adult oriented uses is also necessary for the integrity of residential areas, schools, churches or other places of worship, libraries, child care centers, parks and playgrounds, all of which are areas in which minors congregate, a segment of the community particularly at risk when in proximity to adult oriented uses.

14.16.2 Exclusions from Operation of this Ordinance

Excluded from this Ordinance are activities which are not for the purpose of sexual stimulation or gratification, including but, not limited to the following: licensed massage therapist, as defined in this Ordinance; other persons engaged in massage, e.g. sports massage administered by a team trainer; and artistic studios, photographic or otherwise, utilizing the nude body as a model.

14.16.3 Permitted Districts

Adult oriented uses are a conditional use in the I-2, Heavy Industrial District, subject to the general provisions of this Ordinance.

14.16.4 Location Standards:

- A. Distance from residential use: No lot occupied or to be occupied by an adult oriented use shall be located closer than a one thousand (1,000) feet radius of any residential zoning district.
- B. Distance from educational, religious and child related use: No lot occupied or to be occupied by an adult oriented use shall be located closer than a one thousand (1,000) feet radius of any school, public or private, college, university, church or other place of worship, library, day care facility, or any public park or playground.
- C. Distance from agricultural residential use: No lot occupied or to be occupied by an adult oriented use shall be located closer than a one thousand (1,000) feet radius of any residence in an agricultural zoning district.

- D. Distance from other adult oriented use: No lot occupied or to be occupied by an adult oriented use shall be located closer than a two thousand (2,000) feet radius of any other adult oriented use as defined above.
- E. Method of measure of distances: The distances required by this section shall be measured from the closest property line occupied or to be occupied by an adult oriented use to the closest property line occupied by a protected use, zone district in which an adult oriented use is not permitted, or another adult oriented use.
- F. Display requirements: An adult oriented use, except as otherwise provided by laws which may be more restrictive, may not have any on-premise sign which contains commercial advertising, lettering, wording, or pictorial or representational matter which is distinguished or characterized by an emphasis on depictions of adult / sexual activities.

14.16.5 Effect of Establishment of Protected Use

The establishment of any protected use, zone district in which an adult oriented use is not permitted, or another adult oriented use, subsequent to the lawful commencement of an adult oriented use shall not render the adult oriented use non-conforming.

14.16.6 Miscellaneous Adult Dancing Performance Standards

- A. No person shall display or expose specified anatomical areas.
- B. No person, except an employee, agent, servant or independent contractor in any adult dancing establishment, or similar type use described herein, shall simulate any form of specified sexual activity except while positioned in or occupying an entertainment area defined as:

“a platform or other similar structure raised not less than eighteen (18) inches above the immediately surrounding main floor area, encompassing an area of at least one hundred (100) square feet and positioned not less than six (6) feet from any patron or spectator.”
- C. No person maintaining, managing, owning or operating an adult dancing establishment, or similar type use described herein, shall suffer, allow, or permit the construction, maintenance, or use of areas partitioned or screened from public view that are to be occupied, alone or together by any person or persons on the premises of such establishments for performances, private or otherwise, involving the display or exhibition of specified anatomical areas or specified sexual activities or permit any employee, agent, servant or independent contractor to violate any provision of this Ordinance.
- D. No person on the premises of an adult dancing establishment, or similar type use described herein, shall be permitted to use or be present in areas partitioned or screened from public view that are designed to be occupied, together or alone, by any person or persons on the premises of such establishment for the display of or exhibition of specified anatomical areas or specified sexual activities.

14.16.7 Locational restriction of display or exposure of specified anatomical areas or simulation of specified sexual activities

- A.** No zone classification permits the display or exposure of specified anatomical areas or simulation of specified sexual activities in any establishment approved for the sale or consumption of alcohol.
- B.** No person shall display or expose specified anatomical areas or simulate specified sexual activities, except while on the premises of an approved adult oriented use.

14.16.8 Operating hours

No adult oriented use shall be open for business between the hours of 1:00 a.m. and 6:00 p.m.

14.16.9 Prohibition of physical contact

While on the premises of an adult oriented use, no employee, agent, servant or independent contractor shall be permitted to have any physical contact with any other adult entertainment employee, other employee, patron or spectator while the employee, agent, servant or independent contractor is entertaining, dancing or otherwise involved in the display of or exhibition of specified anatomical areas or specified sexual activities.

14.16.10 No act is authorized if not otherwise permitted by law

Nothing in this Ordinance pertaining to adult dancing establishments, or similar type use, shall be construed to permit or authorize any act or activities that are prohibited by State law. These sections are meant to be in addition to any acts or activities that are so prohibited.

14.17 USE EXCEPTIONS

Several types of structures and uses are permitted in all districts even though they are not listed as permitted uses under the zoning district regulations. These structures and uses are listed as follows:

14.17.1 No building permit or certificate of occupancy required:

- A.** Local public utility distributing and collecting structures such as pipes and transmission lines, transformers, meters, substations, etc.
- B.** Public streets and all official appurtenances necessary for traffic direction and safety. All street and traffic control signs shall conform to the code established and adopted by the Kentucky Department of Highways.
- C.** Horticulture and landscaping of any premises.
- D.** Construction or alteration of agricultural structures other than dwelling units.

14.18 CONDOMINIUM REGULATIONS

Condominiums are permitted in all residential districts where multi-family buildings are permitted. The Planning Commission shall review condominium developments in the manner as outlined in the Subdivision Regulations for horizontal properties. The Planning Commission may, as a condition of approval, attach special requirements to insure general conformity to the Comprehensive Plan, Subdivision Regulations and requirements of this Ordinance and to insure adequate maintenance of the development. All condominium development shall follow the specific use standards, Section 6.4.2, for Multi-family dwellings.

14.19 JUNKYARDS


Junkyards are not designated as permitted uses in any district and may be permitted only as a conditional use in the I-2, Heavy Industrial District. The Zoning Administrator shall insure that all existing junkyards maintain valid permits to operate issued by the Kentucky Department of Highways as required by KRS 177.905 through 177.990.

14.20 UNSIGHTLY OR UNSANITARY STORAGE

No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open and no weeds shall not be allowed to go uncut within any zones when the same may be construed to be a menace to public health and safety, by the appropriate health department, or have a depressing influence upon property values in the neighborhood, in the opinion of the Zoning Administrator.

14.21 RESIDENTIAL DWELLING TYPES

The following table lists the residential dwelling types permitted within allowable zoning districts:

P	Permitted These are uses that are deemed to be the most appropriate uses, and are allowed in a district subject to the restrictions applicable to that zoning district.
C	Conditional Use These are uses that are allowed in a district but which would impair the integrity and character of the district in which it is located, or in adjoining districts, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed within this Ordinance.
P* or C*	Uses Subject to Specific Conditions Permitted or Conditional uses that are subject to use-specific conditions of this Ordinance.
	Not Allowed These are uses that are not allowed in the respective zoning district.

DWELLING TYPE	AG	R-1	R-2	R-3	NB	B-1
Single family (detached)	P	P	P	P	P*	
Two family (duplex)			P*	P*	P*	
Multi-family				P*	P*	
Bed and breakfast establishments	C	C	C	C	P	
Residential care facilities		P	P	P	P	
Assisted living facilities		C	C	C	C	C
Nursing homes		C	C	C	C	C
Manufactured home	P*					
Mobile home	P*					
Mobile home park				C*		
Qualified Manufactured Home	P	C*	C*	C*	C*	

14.22 STANDARDS FOR MANUFACTURED HOMES AND MOBILE HOMES

Establishment, location and use of manufactured homes and mobile homes as site residences shall be permitted in mobile home parks and in the AG, Agricultural District, subject to the following requirements:

- A. The home is a new unit that meets or exceeds the HUD Code and has a HUD Label affixed, OR, is a used unit that has a "B1" seal affixed;
- B. The home is affixed to a foundation meeting state and manufacturer's specifications and will be connected to the appropriate facilities;
- C. Has a perimeter skirting of masonry, treated wood, plastic or other material that harmonizes with the architectural style of the home; and,
- D. Structural additions or alterations shall be subject to the same regulations and requirements and procedures including building permit that must be complied with to obtain such a permit for additions or alterations to a conventionally-built house.

14.23 COMPATIBILITY STANDARDS FOR QUALIFIED MANUFACTURED HOUSING

The purpose of this Section is to establish compatibility standards governing the placement of qualified manufactured homes in residential zoning classifications designed to ensure that when a qualified manufactured home is placed in a residential zone, it is compatible, in terms of assessed value, with existing housing located immediately adjacent to either side of the proposed site, adjacent to the front and rear, or within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured home.

Nothing in this Section shall be construed to affect, modify or abolish restrictions contained in previous deeds, covenants or a developers' subdivision restrictions recorded in the Barren County Clerks Office.

14.23.1 Applications

Applications for the placement of qualified manufactured homes must receive Board of Adjustment conditional use approval. The application shall demonstrate that the compatibility standards set forth in this Section, as well as all other regulations for the particular zoning classification the qualified manufactured home is proposed to be constructed, moved, installed or relocated has met the requirements of all provisions of this Ordinance.

14.23.2 Procedure

The procedure for the application of a qualified manufactured home shall be in the same manner as a Conditional Use Permit as required by Section 17.1.5 of this Ordinance.

- A.** The Board of Adjustment shall review the conditional use application for compatibility with architectural appearances and similarity with:
 - 1. Adjacent and/or surrounding developments;
 - 2. Developments within the same zoning classification or the general area; and,
 - 3. Any proposed development permitted in the same zoning classification or general area.
- B.** The application shall provide information on compatibility with architectural appearance of properties located immediately adjacent to either side of the proposed site, adjacent to the front and rear, or within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured home based on the following criteria:
 - 1. Square footage of living space;
 - 2. Siding or exterior;
 - 3. Roof pitch; and,
 - 4. Setbacks.
- C.** The application shall provide information on compatibility with orientation and location of existing structures located immediately adjacent to either side of the proposed site, adjacent to the front and rear, or within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured home based on the following criteria:
 - 1. Building height;
 - 2. Building width; and,
 - 3. Building depth.

- D. A decision of approval, conditional approval or disapproval of a complete application shall be made and the Applicant shall be notified in writing.

14.23.3 Requirements

The requirements for a qualified manufactured home to be placed as a conditional use in any residential zone are as follows:

- A. The roof pitch shall be the same or greater than more than fifty (50%) percent of any structures adjoining the property location. In the absence of such a structure, the roof pitch shall be the same or greater than fifty (50%) percent of the total number of residential structures within a one-eighth (1/8) mile radius from the center of the proposed location. Under no circumstance shall the qualified manufactured home have a roof pitch of less than four to one (4:1).
- B. The square footage shall be the same or greater than more than fifty (50%) percent of any structures adjoining the property location. In the absence of such a structure, the square footage shall be the same or greater than fifty (50%) percent of the total number of residential structures within a one-eighth (1/8) mile radius from the center of the proposed location. Under no circumstance shall the qualified manufactured home have a square footage of less than nine hundred (900) square feet.
- C. The exterior of the qualified manufactured home shall be the same or of higher quality than more than fifty (50%) percent of any structures adjoining the property location. In the absence of such a structure, the exterior shall be the same quality or greater quality than fifty (50%) percent of the total number of residential structures within a one-eighth (1/8) mile radius from the center of the proposed location. Under no circumstance shall the qualified manufactured home have an exterior constructed of metal or aluminum.
- D. The foundation of a qualified manufactured home shall be placed on a permanent foundation, as defined in this Ordinance.

14.24 RECREATIONAL VEHICLE (RV) CAMPGROUND

A Recreational Vehicle (RV) Campground shall be permitted as a conditional use in an AG, Agricultural District and B-1, General Business District subject to the general provisions of this Ordinance and the following regulations:

- A. All RV Campgrounds shall be established and maintained in accordance with the requirements of KRS 219.310 through 219.410.
- B. Minimum campground area of ten (10) acres.
- C. All RV Campgrounds shall abut at least fifty (50) feet on a public street as to provide safe and convenient access for servicing, fire protection and required off-street parking. No entrance or exit from an RV Campground shall be permitted through a residential district, nor require movement of traffic from the campground through a residential district.
- D. Spaces in an RV Campground may be used by recreational vehicles, travel trailers, camping trailers, motorhomes, equivalent facilities constructed in or on

automotive vehicles, tents, or other short-term housing or shelter arrangements or devices. No mobile homes or permanent dwellings shall be permitted except for a single unit for the purpose of security/maintenance of the campground.

- E.** Spaces shall be rented by the day only, and the occupant of such space shall not remain in the same RV Campground more than sixty (60) days.
- F.** Accessory uses such as management headquarters, recreational facilities, coin-operated laundry facilities and other uses and structures customarily incidental to operation of an RV Campground are permitted. In addition, stores, restaurants, beauty shops and other convenience establishments shall be permitted as accessory uses, subject to the following restrictions:

 - 1.** Such establishments and the parking areas primarily related to their operations shall not occupy more than five (5) percent of the area of the campground.
 - 2.** Such establishments shall be restricted in their use to occupants of the campground.
 - 3.** Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the campground.
- G.** In addition to yard requirements applying generally within districts, the following limitations shall apply with respect to an RV Campground. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within fifty (50) feet of the right-of-way line of any street or thoroughfare or any adjoining public or private property.
- H.** In connection with use of any RV Campground, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street or right-of-way or any public grounds or on any private grounds not part of the park. Each RV Campground shall provide off-street parking, loading and maneuvering space located and scaled so that the prohibitions above may be observed, and park owners shall be held responsible for violations of these requirements.
- I.** All site lighting shall be directed downward and inward to the site.
- J.** A fifty (50) feet setback shall be required on property boundaries adjacent to a public right-of-way and private property boundaries. No campfires or other camping appurtenances shall be located in the setback.

14.25 SPORTSMEN'S FARMS AND FIREARM RANGES

Sportsmen's farms and skeet, shotgun, rifle, pistol, air rifle, air pistol, or other firearm ranges shall be permitted as a conditional use in the AG, Agricultural District and I-2, Heavy Industrial District, subject to the general provisions of this Ordinance and the following regulations:

- A.** A fifty (50) foot setback with protective screening or fencing shall be required on property boundaries adjacent to a public right-of-way and private property boundaries.
- B.** All target ranges shall be of sufficient length and be provided with an earthen

back stop of sufficient height and thickness to safely stop all projectiles from the various types of weapons used.

- C. All outdoor ranges shall be enclosed by a woven wire fence at least six (6) feet in height to exclude animals and people.
- D. Warning signs shall be placed at intervals of fifty (50) feet along all range fences. Indoor ranges shall have one warning sign at each entrance and at any windows, doors or other openings in the walls.
- E. Indoor target ranges shall have sufficient sound proofing to prevent the sound of firearm discharge from being heard outside the walls of the range facilities.
- F. Only indoor firing ranges are allowed in the I-2, heavy Industrial District.

14.26 BED AND BREAKFAST ESTABLISHMENTS

Bed and breakfast establishments shall be permitted as a conditional use in the AG, Agricultural District, R-1, Single Family Residential District, R-2, Two-family Residential District, R-3, Multi-family Residential District and NB, Neighborhood Business District subject to the general provisions of this Ordinance and the following regulations:

- A. A bed and breakfast establishment shall be occupied by the owner of such facility.
- B. The use shall only provide short-term transient lodging, including serving breakfast only to overnight lodgers.
- C. The use shall be clearly incidental and secondary to the use for dwelling purposes.
- D. The use shall not require external alteration of the dwelling except as may be required to meet fire and building codes.
- E. Each room shall be rented for no longer than fourteen (14) days.
- F. The use shall not adversely affect the uses permitted in the area and in the immediate neighborhood by excessive traffic generation, noise and light.
- G. The use shall not be conducted within any accessory buildings.
- H. The use shall be in compliance with all other applicable state and local laws, including the Barren River District Health Department Rules and Regulations.
- I. The Board of Adjustment, in considering approval of the required conditional use permit, shall take into consideration the number of proposed rooms for rent and the effect on surrounding properties.

14.27 VEHICLE AND CONSTRUCTION EQUIPMENT SALES

Sales of all vehicles shall be subject to the following:

- A. All vehicle sales operations shall be required to provide a paved display area with appropriate drainage.
- B. All lighting for vehicle sales operations shall not create glare visible from any

adjacent lot line.

- C. Outdoor paging systems shall meet the requirements of section 14.29.

14.28 MOBILE, MANUFACTURED AND MODEL HOME SALES LOT

Mobile, manufactured and model home sales lot shall be subject to the following requirements:

- A. All sales operations shall be required to provide a paved area, with appropriate drainage, for the storage of units. Homes that are displayed in a semi-permanent state with skirting are not required to be placed on pavement.
- B. All lighting for sales operations shall not create glare visible from any adjacent lot line.
- C. Outdoor paging systems shall meet the requirements of section 14.29.

14.29 OUTDOOR LIGHTING AND SPEAKERS

- A. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:
 - 1. **Fixtures.** All light sources shall be concealed within an opaque housing and shall not be visible from any public right-of-way or residential district boundary.
 - 2. **Mounting.** Fixtures must be mounted in such a manor that the cone of lights does not cross any property line of the site.
 - 3. **Illumination Levels.** All site lighting shall be designed so that the level of illumination, measured in footcandles (fc) at any one point meets the standards for the specific use below. Minimum and maximum levels are measured at a single point. Average level is the not-to-exceed value calculated using only the area intended to receive illumination.
 - 4. **Commercial Canopy Lighting.** Any commercial lighted canopy (fuel sales, automated teller machines, drive-thru, etc.) shall be illuminated with an average twelve (12) fc, a minimum of two (2) fc, and a maximum of twenty (20) fc.
 - 5. **Commercial Parking Lots.** All commercial parking lots shall be lighted with an average one and a half (1.5) fc, a minimum of two-tenths (0.2) fc, and a maximum of twenty (20) fc.
- B. Outdoor paging systems are prohibited in any business district except for emergency warning systems, restaurant or drive-thru facilities. Outdoor speaker systems must be limited so that it is not audible at the property line adjacent to any residential district.

14.30 FUEL STATION FOR MOTOR VEHICLES

Motor vehicle fuel stations or fuel sales (not including truck stops) shall be subject to the following requirements:

- A. Any establishment with an outdoor speaker system must be located at least two hundred fifty (250) feet from any residential district boundary.
- B. All parking and internal drive areas shall be paved.
- C. Drains from vehicle wash or cleanup stands shall be connected to the public sanitary sewer system in accordance with the serving utility's specifications.
- D. Pump islands and canopies for gasoline service stations shall have a minimum required setback of twenty (20) feet from any street right-of-way.

14.31 FUEL STATION FOR MEDIUM AND HEAVY TRUCKS (TRUCK STOP)

Fuel station for medium and heavy trucks (Truck Stop) shall be subject to the following requirements:

- A. Located a minimum five hundred (500) feet from any residential use or district.
- B. Drains from vehicle wash or cleanup stands shall be connected to the public sanitary sewer system in accordance with the serving utility's specifications.
- C. Landscape buffering requirement of twenty (20) feet along the right-of-way and adjacent to other land uses.

14.32 HOME OCCUPATIONS

The following requirements shall apply to home occupations when permitted herein:

- A. No persons other than members of the family residing in the premises shall be engaged in such operation.
- B. The use of the dwelling unit for the home occupations shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five (25) percent of the gross floor area of any one floor of the dwelling unit (including basement or cellar) shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that a sign as regulated by Section 14.8 of this Ordinance, shall be permitted.
- D. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the residential neighborhood.
- E. No equipment or process which creates noise, vibration, flare, fumes, odors, or electrical interference detectable to the normal senses off the property shall be used in such home occupation. In the case of electrical interference, no equipment or process, which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises, shall be used.
- F. Where applicable, a conditional use permit, as regulated by Article 17, Section 17.1.5 of this Ordinance, shall be required for home occupations.

ARTICLE 15 NONCONFORMITIES

15.0 INTENT

Within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon or expanded, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

15.1 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No nonconforming structure may be enlarged, moved, or structurally altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. Voluntary demolition of a nonconforming structure nullifies its nonconforming rights.
- B. Should a nonconforming structure or nonconforming portion of structure be involuntarily destroyed or removed to an extent of fifty-five (55) percent or more of its replacement cost at time of destruction (exclusive of foundations), it shall not be repaired or reconstructed except in conformity with the provisions of this Ordinance. When a nonconforming structure is involuntarily destroyed or removed, it shall retain its nonconforming rights for a period of one (1) year. Failure to re-establish the structure within one (1) year nullifies the nonconforming rights. Re-establish, for the purposes of this Section, shall mean that necessary permits and approvals have been obtained or have been applied for and that binding contracts for the construction of the principal structure have been let; in the absence of contracts, the principal structure must be under construction to a substantial degree (at least fifty-five (55) percent of the construction completed).
- C. A nonconforming structure may be altered to the extent necessary to comply with a lawful order of government officials.
- D. Existing nonconforming structures located in flood hazard areas shall not be expanded but may be otherwise modified, altered, or repaired provided such measures incorporate floodproofing of the structure in accordance with FEMA standards.

15.2 NONCONFORMING USES OF LAND

Where at the time of passage of this Ordinance or amendments, lawful use of land exists

which would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No nonconforming use, except single family residential uses, shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;
- C. A nonconforming use may continue indefinitely; however if any nonconforming use of land ceases for any reason for twenty-four (24) consecutive months or more, except where government action impedes access to the premises, the nonconforming status shall be nullified. Any subsequent use of land shall be in conformity with the regulations of the district in which it is located;
- D. Sale of a property containing a nonconforming use shall have no effect on the nonconforming status.
- E. No structure, or structure and premises in combination, devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- F. Where nonconforming use status applies, the removal or destruction of the occupied principal structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty-five (55) percent or more of its replacement cost (exclusive of foundations) at time of destruction.

15.3 NONCONFORMING LOTS OF RECORD

- A. A nonconforming lot of record is any lot which was lawfully created prior to the adoption of the Zoning Ordinance but which has a smaller minimum lot area, frontage, or width than now required by the applicable zoning district.
- B. A nonconforming lot of record may be used in accordance with the other applicable regulations for that zoning district, but changes to the lot that create greater nonconformity are prohibited.
- C. The Zoning Administrator may approve building permits for a lot of record if the proposed structure can comply with all district development standards except minimum lot area, frontage, or width. Variance of any other development standard must be obtained only through action of the Board of Adjustment.

15.4 REPAIRS AND MAINTENANCE

15.4.1 Routine Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming use, any change that does not require a building permit is considered routine maintenance and shall not affect the nonconforming status.

15.4.2 Unsafe Buildings

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any building official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

15.4.3 Mobile Homes

Any mobile home that was properly permitted prior to the adoption of this Ordinance, but now considered a nonconforming use, may be replaced by a newer model, affixed with an "A" or "B" seal, without affecting its nonconforming status.

15.5 CONDITIONAL USES NOT NONCONFORMING USES

Any use which is permitted as a conditional use in a district under the terms of this Ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

ARTICLE 16 ADMINISTRATION AND ENFORCEMENT

16.0 DEVELOPMENT REVIEW PROCEDURES

16.0.1 Application Forms

Every application for development approval shall be in a form specified by the Zoning Administrator, Building Inspector, Board of Adjustment or Planning Commission.

16.0.2 Standard Application Submission Cycle

Applications that will be reviewed by the Zoning Administrator or Board of Adjustment shall be filed at least thirty (30) days in advance of the scheduled public hearing, in order to allow adequate time for staff review and preparation of a staff report. Applications to the Joint City-County Planning Commission for text and map amendments to the Zoning Ordinance shall be filed at least sixty (60) days in advance of a scheduled public hearing.

16.0.3 Application Fees

No application shall be accepted by the Zoning Administrator, Board of Adjustment or Planning Commission until the established fee has been paid. This nonrefundable fee may be adjusted periodically by the appropriate body to defray the actual cost of processing the application and providing public notice.

16.0.4 Completeness of Application

No application shall be processed until it has been deemed complete by the Zoning Administrator. The Zoning Administrator shall have five (5) working days following the submission of the application to determine its completeness. After that five (5) day review period, the applicant may request a list of any deficiencies in the applications in writing. The application shall not be scheduled for a public hearing until all deficiencies are corrected.

16.0.5 Public Notice

A. Public Notice shall be provided in accordance with the following table:

Procedure	Published	Mailed	Posted
Variance	a	a	
Conditional Use Permit	a	a	a
Map Amendment	a	a	a
Text Amendment	a		
CAP Overlay Certificate of Appropriateness	a		
Telecommunication Towers	a	a	a

B. Published Notice. When required above, notice shall be published in a newspaper of general circulation in Park City at least seven (7) and no more than twenty-one (21) days before the public hearing in accordance with KRS 424.130. Any location map required for a published notice shall be furnished by the applicant. The notice itself shall be the responsibility of the Zoning Administrator, Board of Adjustment or Planning Commission where appropriate.

C. Mailed Notice.

1. Map Amendments, Variance, and Conditional Use Appeals

Notice of required public hearings shall be sent by mail to owners of real property that are adjacent to the land that is the subject of the application at least fourteen (14) days prior to a public hearing.

2. Map Amendments Originating with the Planning Commission or Park City Commission.

Per KRS 100.211(6), when an amendment originates with the Planning Commission or a member legislative body, notice of the public hearing shall be given at least thirty (30) days in advance of the hearing to an owner of every parcel of property for which the classification is proposed to be changed.

3. Telecommunication Towers.

Notice of required public hearings shall be sent by mail to owners of real property contiguous to the property upon which the construction is proposed and owners of real property within five hundred (500) feet of the proposed tower.

4. Owners of real property shall be identified by reference to the most recent tax records and shall be provided to the Zoning Administrator, Board of Adjustment or Planning Commission, where appropriate, by the applicant. Records maintained by the Property Valuation Administrator may be relied upon exclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners.

5. Mailing of required notice shall be the responsibility of the Zoning Administrator, Board of Adjustment or Planning Commission, where appropriate. Proof of mailing shall include:

- a. A copy of the notice letter;
- b. The Property Valuation Administrator's list of affected owners; and,
- c. The certified white tabs stamped by the U.S. Postal Service.

6. Notice shall be deemed mailed by virtue of its deposit with the United States Postal Service.

D. Content of Published or Mailed Notice. Published or mailed notices shall provide at least the following information:

1. A summary of the subject property's location or street address per KRS 100.211(3);
2. The type of the application action being requested;
3. The time, date and location of the public hearing; and,
4. The Zoning Administrator, Board of Adjustments or Planning Commission telephone number, where appropriate.

E. Posted Notice. When required above, notice of the public hearing shall be posted conspicuously on the subject property for fourteen (14) consecutive days immediately prior to the hearing. The posting of the notice shall be the responsibility of the Zoning Administrator, Board of Adjustment or Planning Commission, where appropriate. Posted notice shall contain:

1. The type of the application action being requested;
2. The time, date and location of the public hearing; and,
3. The Zoning Administrator, Board of Adjustments or Planning Commission telephone number, where appropriate.

16.0.6 Public Hearing

- A.** The property owner, applicant and/or contract vendee shall attend the public hearing or be represented by legal council at the hearing.
- B.** Any exhibit (including electronic presentation materials) intended for presentation before the Planning Commission or Board of Adjustment shall be provided to the Administrative Official in an 8.5" x 11" format.

16.0.7 Continuation of Public Hearings

A public hearing for which proper notice was given may be continued to a later date by majority vote of the Planning Commission or Board of Adjustment without complying with the notice provisions above provided that the continuance is set for a date and time certain announced at the public hearing.

16.0.8 Withdrawal of Application

Any application may be withdrawn prior to final action by the appropriate reviewing body. No fee shall be returned or credited for such a withdrawal.

16.0.9 Time Limit for Reapplication

The Planning Commission shall not consider a parcel of land, or any portion thereof, for Official Zoning Map amendment, including amendment of binding elements of development, until twelve (12) consecutive months shall have elapsed from any final action upon any application for such Official Zoning Map amendment.

16.0.10 Time Limit for Rehearing before Board of Adjustment

The Board of Adjustment shall not consider a parcel of land, or any portion thereof for any variance or conditional use permit until twelve (12) consecutive months shall have elapsed from any final action upon any application for such variance or conditional use permit.

16.0.11 Final Action

For purposes of this Ordinance, "Final Action" shall be defined as any final adjudication of the application for any:

- A.** Official zoning map amendment or text amendment by the Park City Commission;
- B.** Variance, conditional use permit or appeal from any administrative official before the Board of Adjustment;
- C.** Certificate of appropriateness by the Board of Adjustment; and,
- D.** The appeal from the decision of the Board of Adjustment, Joint City-County Planning Commission or Park City Commission to the highest state or federal court to which any appeals shall be taken.

16.1 BUILDING PERMIT

It shall be unlawful to begin the construction of any structure or to begin the moving or alteration of any structure or begin or change the use of a premises until the Building Inspector has issued a permit. A complete application for a Building Permit shall be submitted to the Building Inspector, along with the appropriate review and inspection fee. Upon determination that the proposed development is in compliance with all requirements, including but not limited to this Ordinance and the adopted building code, the Building Inspector shall issue a building permit.

16.1.1 Zoning Compliance

- A.** In applying for a building permit, the applicant must first obtain a certificate of zoning compliance from the Zoning Administrator. The applicant shall submit a plan drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, the use of structures and the proposed yard depths, and any other information pertinent to the assessment of conformance should be included.
- B.** If the proposed construction or alteration conforms to all applicable ordinances and regulations the Zoning Administrator shall issue a certificate of zoning compliance authorizing construction or alteration.

- C. If the proposed construction or alteration fails to conform to applicable ordinances and regulations, the Zoning Administrator shall refuse to issue a certificate of zoning compliance, and shall cause delivery of written notice to the applicant stating the reason for refusal.
- D. The Zoning Administrator shall act upon all applications for certificates of zoning compliance within ten (10) working days following the submission of the application.
- E. If no building permit has been issued, and a builder begins, or continues to build, a restraining order may be obtained upon application to the appropriate court, and evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.

16.2 CERTIFICATE OF OCCUPANCY

16.2.1 Applicability

No land or structure or part thereof hereafter erected or altered in its use of structure, shall be used until the Building Inspector has issued a certificate of occupancy. The certificate of occupancy shall state that such land, structure, premises or use thereof are found to be in conformity with the provisions of this Ordinance.

16.2.2 Final Inspection

- A. Within five (5) days after notification that a structure, land or premises is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy, in duplicate, if the structure, premises or use thereof are found to conform with the provisions of this Ordinance.
- B. If such certification is refused, the Building Inspector shall state the refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated on the application. One copy of the completed certificate of occupancy will be issued to the applicant and one copy filed in the office of the Building Inspector.

16.3 ENFORCEMENT OFFICER

The provisions of this Zoning Ordinance shall be administered and enforced by the Zoning Administrator, Building Inspector, Codes Enforcement Officer, the Joint City-County Planning Commission, or any other person authorized by the Park City Commission or the Joint City- County Planning Commission. Such enforcement personnel shall have the power to:

- A. Make inspections of any premises necessary to carry out the enforcement of this Zoning Ordinance;
- B. Issue citations for violations of this Zoning Ordinance in accordance with the provisions of KRS 100.991 and the procedures as set forth in KRS 431.015; or
- C. Issue citations for violations of this Zoning Ordinance in accordance with the provisions of a Code Enforcement Board Ordinance and KRS 65.8801 through

16.4 PENALTIES FOR VIOLATIONS

16.4.1 Violations Pursuant to KRS 100.991

Violations of this Zoning Ordinance pursuant to KRS 100.991 shall be subject to the following:

- A.** Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than ten dollars (\$10) but not more than five hundred (\$500) for each conviction. Each day of violation shall constitute a separate offense.
- B.** Any person, owner or agent who violates this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred (\$500) for each lot or parcel which was subject of sale or transfer, or a contract for sale or transfer.
- C.** Any person who intentionally violates any provision of KRS 100.3681 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred (\$500).

ARTICLE 17 REVIEW BODIES

17.0 JOINT CITY-COUNTY PLANNING COMMISSION

17.0.1 Duties and Responsibilities.

The duties of the Joint City-County Planning Commission (the “Planning Commission”) in regard to this Ordinance are established by KRS 100 and shall include the following:

- A. Hold a public hearing in accordance with State statutes and make a recommendation to the Park City Commission in regard to text or map amendments. The Planning Commission shall take action in compliance with KRS 100.213.
- B. Review and take final action on Subdivision Plats and Detailed Development Plans.
- C. Hold a public hearing and take final action on variances and conditional use permits when concurrent with map amendments.
- D. Review and make a recommendation to the Park City Commission in regard to designation of local historic landmarks.
- E. Hold a public hearing and make a recommendation to the Park City Commission on proposed right-of-way closings.

17.1 BOARD OF ADJUSTMENT

17.1.1 Creation

This Ordinance hereby establishes a Board of Adjustment in accordance with KRS 100.211.

17.1.2 Duties and Responsibilities

The board shall have powers, duties and responsibilities set forth in Kentucky Revised Statutes, Chapter 100, and as follows:

- A. Hear and decide administrative appeals where it is alleged by the appellants that there is an error in any order, requirement, permit, decision, determination or refusal made by any administrative official in carrying out or enforcing any provision of this Ordinance;
- B. To make interpretations of the Official Zoning Map;
- C. To take final action on conditional uses;
- D. To take final action on variances;

- E. To take final action on approving or denying all requests for certificates of appropriateness and provide oversight in the development and implementation of the design guidelines for the CAP Overlay District; and,
- F. Administer the non-conforming use regulations per KRS 100.253.

17.1.3 Membership

The Board of Adjustments shall consist of three (3) citizen members, and no more than two (2) members of whom may be members of the Planning Commission. The mayor shall be the appointing authority, subject to the approval of the Park City Commission.

17.1.4 Procedure for all Appeals to the Board of Adjustment

All appeals to the Board of Adjustment may be taken as provided in KRS 100.261, and such appeals shall be processed as provided in KRS 100.261 and 100.263.

17.1.5 Conditional Use Permits

The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the Zoning Ordinance which may be suitable only in specific locations in the zone and only if certain conditions are met.

17.1.5.1 Specified Zoning Districts

Conditional uses may be approved only in those zoning districts where they are designated as conditional uses under the zoning district regulations.

17.1.5.2 Procedure

An applicant shall submit an application for a conditional use permit to the Administrative Official, and the applicant shall follow all procedures set forth in this Ordinance and KRS 100.237. The Administrative Official shall refer the application to the Board of Adjustment. Other regulations for conditional use permits are as follows:

- A. A public hearing shall be held as set forth in Article 16 of this Ordinance.
- B. The Board of Adjustment may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use, along with reference to the specific Section in the zoning regulation listing the conditional use permit under consideration. The Board of Adjustment shall have the power to revoke conditional use permits, or variances for non-compliance with the conditions thereof. Furthermore, the Board shall have the right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in person for such costs.

- C. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this Ordinance, building, housing, and other regulations.
- D. A conditional use permit shall be exercised within one (1) year from the date of issuance within the meaning of KRS 100.
- E. The Administrative Official shall review all conditional use permits except for those for which all conditions have been permanently satisfied, at least once annually, and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions which are listed on the conditional use permit, the Administrative Official shall report the fact in writing to the Chairperson of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions of the permit. A copy of the report shall be furnished to the landowner at the same time it is furnished to the Chairperson of the Board of Adjustment. Upon hearing the report, as required by KRS 100, if the Board finds the facts alleged to be true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board may authorize the Administrative Official to revoke the conditional use permit and to cause the termination of the activity on the land which the conditional use permit authorizes.
- F. Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative Official, upon the request of the applicant may, if the facts warrant, make a determination that the conditions have been satisfied. The Administrative Official shall compile a report including findings of fact to be included in the file and attached to the file a copy of the conditional use permit. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

17.1.5.3 Recording

As required by KRS 100, a copy of the conditional use permit must be filed with the County Clerk at the applicant's expense.

17.1.6 Variances

The Board shall have the power to hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site, on the effective date of the zoning regulation or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height, or width of building, or size of yards, but not population density) of the Zoning Ordinance would deprive the applicant of

reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.

17.1.6.1 Findings Necessary

The Board may grant a variance provided that the granting of the variance will not adversely affect the public's health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

- A.** The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.
- B.** The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
- C.** The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

17.1.6.2 Procedures

An applicant shall submit an application for a variance to the Administrative Official, and the applicant shall follow all procedures set forth in Article 16 of this Ordinance. The Administrative Official shall refer the application to the Board of Adjustment. Other regulations for variances are as follows:

- A.** A public hearing shall be held as set forth in Article 16 of this Ordinance.
- B.** The Board of Adjustment shall make findings that the requirements of Section 17.1.6.1 have been met by the applicant. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that these findings shall be recorded along with any imposed conditions or resolutions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.

17.1.6.3 Recording

As required by KRS 100, a copy of the variance must be filed with the County Clerk at the applicants expense.

17.1.6.4 Variance Runs With The Land

A variance applies to the property for which it is granted, and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site, as per KRS 100.

17.1.7 Non-Conforming Use and Structure Appeals

The Board of Adjustment shall have the authority to hear and decide appeals as authorized in Article 15 concerning non-conforming uses and structures per KRS 100. The Board shall not allow the enlargement, substitution or extension of a non-conforming use beyond the scope and area of its operation at the time the Ordinance, which makes its use non-conforming, was adopted. Nor shall the Board permit a change from one non-conforming use to any other non-conforming use. If it approves the appeal, the Board must find, in addition to all requirements of Article 15, that the non-conformity of the use or the non-conformity of the structure would not be increased in scope or area of its operation, and that it would not have an adverse effect on existing or future development of the subject property or the surrounding area. In approving an appeal the Board may require appropriate conditions be met to insure the health, safety, and welfare of the community and to protect the essential character of the surrounding area.

17.1.8 Limits of Authority

The Board shall act only within the strict limits of its authority as defined in the Zoning Ordinance. The Board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question.

17.1.9 Board Has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Administrative Official from whom the appeal is taken.

17.1.10 Interpretation of Zoning Map

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines indicated on the zoning map, the Board after, notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance for the particular section or district in question.

17.2 PARK CITY COMMISSION

17.2.1 Duties and Responsibilities.

The duties of the Park City Commission in regard to this Ordinance shall include the following:

- A.** Take final action on any amendment of the text of this Ordinance or the Official Zoning Map.
- B.** Take final action on the regulations and designation of the CAP Overlay District.
- C.** Appoint Planning Commission and Board of Adjustment members.

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law.

It is further the intent of this Ordinance that the duties of the governing bodies in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Section and this Ordinance. Under this Ordinance the governing bodies shall have only the duty of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law.

ARTICLE 18 AMENDMENTS

18.0 TEXT AMENDMENT

18.0.1 Who May Apply

Applications for amendment of the Ordinance text may be initiated by:

- A. The Joint City-County Planning Commission,
- B. The Park City Commission; or,
- C. The owner of the property in question or an agent for the owner bearing a recorded written power of attorney granting authority for this purpose.

18.0.2 Planning Commission Action

The procedure for obtaining a text amendment shall be the same as defined in KRS Chapter 100. In their review of a text amendment, the Planning Commission shall consider and make findings as to whether the text amendment is in agreement with the adopted Comprehensive Plan. The Planning Commission shall make a recommendation to the Park City Commission on the requested amendment.

18.0.3 Park City Commission Action

The findings of fact that are recommended for approval or disapproval by the Planning Commission shall be forwarded to the Park City Commission for consideration. The Park City Commission shall take final action upon a proposed zoning text amendment within ninety (90) days of the date of the Planning Commission's recommendation. Failure of the Park City Commission to act within ninety (90) days shall deem the recommendation of the Planning Commission to have passed by operation of law.

18.1 MAP AMENDMENT (ZONING CHANGE)

18.1.1 Who May Apply

Applications for amendment of the Official Zoning Map may be initiated by:

- A. The Joint City-County Planning Commission,
- B. The Park City Commission; or,
- C. The owner of the property in question or an agent for the owner bearing a recorded written power of attorney granting authority for this purpose.

18.1.2 Mandatory Pre-application Conference

- A. Prior to formal application for amendment of the Official Zoning Map, the applicant, and/or his attorney, shall hold a conference with the Planning Commission staff to discuss the effect of the Comprehensive Plan, this

Ordinance, the Subdivision Regulations and other land development controls on the proposed development.

- B.** The pre-application conference shall include discussions of apparent characteristics of the site that would affect the proposed development. In addition, the pre-application conference may be utilized for discussing whether a general development plan should be submitted with the application for amendment of the Official Zoning Map.
- C.** No application will be accepted for a public hearing prior to the pre-application conference being held.

18.1.3 Application Requirements

A zone change application for amendment of the Official Zoning Map may be obtained at the office of the Joint City-County Planning Commission. A complete application and all required information of the application shall be submitted to the Commission Staff before a public hearing for the proposal will be scheduled.

18.1.4 Development Plan Requirement

As a condition to the granting of any amendment to the Official Zoning Map, the Planning Commission may require the submission of a conceptual development plan indicating the following:

- A.** Location map showing affected area with project delineated;
- B.** Project description (use, density or intensity, general layout, etc.);
- C.** Project development program (including proposed number of units for residential projects or square feet of building space for non-residential projects); and,
- D.** Location and design of proposed public improvements, required landscape elements, and any other elements required by this Ordinance.

18.1.5 Planning Commission Action

The procedure for obtaining a map amendment shall be the same as defined in KRS Chapter 100 and in addition, as follows:

18.1.5.1 Review Criteria, Findings Required

In their review of a map amendment, the Planning Commission shall consider and make findings on the following matters:

- A.** The map amendment is in agreement with the adopted Comprehensive Plan, or, in the absence of such a finding,
- B.** That one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission or the Park City Commission:

1. The original zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;
2. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.

18.1.5.2 Action on Concurrent Applications

- A. In the event the applicant files for a variance or conditional use concurrently, the Planning Commission shall hold the public hearing concurrently with the map amendment.
- B. For the purpose of carrying out this subsection, each requested variance or conditional use shall be considered as separate applications and shall otherwise be administered, advertised and handled in accordance with the requirements of this Ordinance and KRS 100 except that notice by mail for the map amendment shall include notice for the variance or conditional use and shall state that these items will be concurrently heard by the Planning Commission.
- C. The Planning Commission shall assume all the powers and duties otherwise executed by the Board of Adjustment in considering a conditional use or variance, but shall only have this authority when the subject conditional use or variance is being considered concurrently with property being considered for a map amendment.

18.1.6 Park City Commission Action

The Planning Commission's recommendation for approval or disapproval of the amendment and the findings of fact which support the recommendation shall be forwarded to the Park City Commission for consideration within forty-five (45) days after the public hearing. The Park City Commission shall take final action upon a proposed amendment within ninety (90) days of the date of the Planning Commission's final action and recommendation. Failure of the legislative body to act within ninety (90) days shall deem the recommendation of the Planning Commission to have passed by operation of law.

ARTICLE 19 DEFINITIONS

19.0 USE OF TERMS

For the purpose of this chapter, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupies.

The word lot includes the words plot, tract or parcel.

19.1 DEFINED TERMS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACRE: 43,560 square feet of land area.

ADDITION: As a construction term, an extension or increase in floor area or height of a building or structure or increase in lot area.

ADMINISTRATIVE APPEAL: Any case where an applicant alleges that there is an error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the Zoning Ordinance.

ADMINISTRATIVE OFFICIAL: Any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the Zoning Ordinance, Subdivision Regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation.

ADULT ORIENTED USES: Uses which intend to provide sexual stimulation or gratification, including, but not limited to, all of the following:

ADULT BOOKSTORE / VIDEO STORE: An establishment whose primary business includes the sale or rent of materials (including books, periodicals, magazines, films, videotapes, cd-roms, dvds, audio tapes, or other printed or pictorial material) whether for on-premise or off-premise viewing, that are intended to provide sexual stimulation or gratification, and characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas (see definition below); and who devotes more than fifteen (15) percent of their total floor area to the items listed above.

ADULT THEATER: An establishment, whether open or enclosed, used for presenting material, for viewing, that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. this definition includes adult arcade, adult mini-motion picture theater, adult booth(s), adult drive-in theaters.

ADULT BOOTH: A small enclosed or partitioned area inside an adult oriented establishment which is: (i.) designed or used for the viewing of adult material by one (1) or more persons; and, (ii.) is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth, or other booth used to view adult material (including, but not limited to, videotapes, audiotapes, films, cd-roms, dvds).

ADULT DANCING: Any dancing which exposes to view by patrons or spectators on the premises at any time the specified anatomical areas and/or specified sexual activities, defined in this Ordinance.

ADULT DANCING ESTABLISHMENTS: An establishment, including but not limited to any restaurant (eating and drinking establishment), lounge, dance hall, night club or other such place whose business includes the offering to customers of live entertainment wherein employees, agents, servants, or independent contractors perform dance routines and/or display or expose specified anatomical areas, offered as adult oriented entertainment for viewing by patrons and spectators on the premises and characterized by the emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

ADULT CABARET: See "adult dancing establishments"

ADULT MOTEL: A motel or similar establishment with the word "adult" or otherwise that advertises the presentation of adult material, offering public accommodations for any form of consideration which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions for the primary purpose of sexual gratification or as related to specified sexual activities.

SEXUAL ENCOUNTER CENTER: An establishment whose primary business is the provision on premises where customers either congregate, associate, or consort with employees, agents, servants, or independent contractors; who engage in specified sexual activities in the presence of such customers, or who display specified anatomical areas in the presence of such customers, with the intent of providing sexual stimulation or sexual gratification appealing to adult sexual interests.

MASSAGE PARLOR: An establishment providing massages, for hire, by persons other than a licensed health care professional, including those activities that rub, stroke, knead, or tap the body with the hand or an instrument or both for the purpose of or engaging in sexual gratification or as related to specified sexual activities. This definition also includes those activities listed within "sexual encounter center". This does not include any licensed or sanctioned athletic activity that generally employs or use the services of a physical trainer and/or those listed in the definition of licensed massage therapist.

SPECIFIED ANATOMICAL AREAS: Including less than completely and opaquely covered (i.) human genitals or pubic region; (ii.) the cleavage of the

human buttock; (iii.) any portion of the human female breast below a horizontal line across the top of the areola at its highest point, the entire lower portion of the female breast, not including cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided that the areola is not exposed in whole or in part; and (iv.) human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Including, but are not necessarily limited to, human genitals in a state of sexual stimulation, arousal or tumescence; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock or female breast(s); acts of human analingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, necrophilia, pederasty, pedophilia, sadism, sadomasochism; excretory functions as part of or in connection with any of the activities listed herein.

LICENSED MASSAGE THERAPIST: (licensed health care professional) Is any person who has graduated from a massage therapy school, accredited by a state licensure board or its equivalent and who possess a valid state license in massage therapy from any state which regulates the same by means of a written examination; or may include a physician, nurse, occupational therapist, physical therapist, podiatrist, or chiropractor.

AGRICULTURAL USE: The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agriculture use on the tract, but not including residential building development for sale or lease to the public.

ALLEY: Any public or private way permanently reserved as a secondary means of vehicular service access to abutting properties.

ASSISTED LIVING FACILITY: A housing unit which provides assisted living to two (2) or more adult persons and which provides supportive services, such as cleaning, shopping, meals, laundry, transportation, twenty-four (24) hour supervision, and organized activities, within the residence or on the grounds of the residence. Facilities may also include office and sleeping rooms for staff members. Assisted living facility does not include a nursing home or residential care facilities.

BASEMENT: Any portion of a building the average height of which is at least half below grade plane.

BED AND BREAKFAST (TOURIST HOME): An establishment in a private dwelling that supplies temporary accommodations to overnight guest.

BINDING ELEMENTS: Those conditions agreed to by the Planning Commission and the developer which are imposed upon a development plan and which control the development and use of the property in question. The conditions may be in writing or by graphic representation.

BUFFER: An area of land, including landscaping, berm, wall, fences, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on the adjacent parcel or right-of-way.

BUILDING: Any structure, but not a mobile home or trailer, built or constructed for the

support, shelter, or enclosure of persons, animals, chattels, or property of any kind and having a fixed base on, or fixed connection to the ground.

BUILDING, ACCESSORY: A subordinate building, the use of which is incidental to that of a principal building on the same lot, and which is permanently affixed to the ground. Accessory building shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle, or freight container.

BUILDING, PRINCIPAL: A building, including covered porches or any part of a permitted structure above the foundation, in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building on the lot on which it is situated.

BUILDING HEIGHT: A distance measured from the average elevation of the proposed finished grade to the highest point of the roof for flat roofs or to the deck line of mansard roofs, ridge for gable, hip and gambrel roofs (excludes chimney).

CELLULAR ANTENNA TOWER: A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

CENTERLINE OF STREET: The center of the surveyed street right-of-way.

COMPATIBILITY STANDARDS: Standards that have been enacted by a local government under the authority of KRS 100.348 for the purpose of protecting and preserving the monetary value of real property located within the Park City limits.

CONDITIONAL USE: A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.

CONDOMINIUM: A form of ownership with the following characteristics:

- a. the unit (the interior and associated exterior areas designated for private use on the Final Plat) is owned or rented by the occupant; and
- b. all or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Kentucky Revised Statutes Chapter 381.805 et. seq. and in accordance with the provisions for open spaces, roads, or other development features as specified in this Ordinance and the Subdivision Regulations.

CONFINED ANIMAL FEEDING OPERATION (CAFO): Any animal feedlot and associated animal waste areas classified as a CAFO by the Environmental Protection Agency (EPA) or by the United States Department of Agriculture (USDA).

DAY CARE CENTER, ADULT: An adult care facility which provides part-time care, day or night, but less than twenty-four (24) hours, to at least four (4) adults not related to the operator of the facility by blood, marriage, or adoption.

DAY CARE CENTER, CHILD: An child care facility which provides full or part-time care, day or night, to at least seven (7) children who are not the children, grandchildren, children in legal custody, nieces, or nephews of the operator.

DEMOLITION: Any act that destroys in whole or in part any existing building or structure, physical feature, or other site improvement.

DENSITY: A measure of the intensity of the use of a piece of land expressed in dwelling units, families or housing structures per acre.

DEVELOPMENT: Refers to land being subdivided in accordance with the Subdivision Regulations; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any use or change in use of any buildings or land; any extension, landfill, or land disturbance, clearing, or other man induced movements of land.

DEVELOPMENT PLAN: Written and/or graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing man made and natural conditions, and all other conditions agreed to by the applicant.

DWELLING: A building or structure designed or used for permanent human habitation.

DWELLING, SINGLE FAMILY: A detached building designed for, or occupied exclusively by, one family.

DWELLING, TWO FAMILY (DUPLEX): A building containing two (2) dwelling units on a single lot with separate entrances.

DWELLING, MULTI-FAMILY: A dwelling unit within a building containing three (3) or more dwelling units.

DWELLING UNIT: One (1) or more rooms connected together, constituting a separate, independent housekeeping establishment with separate toilets and containing independent cooking and sleeping facilities for owner occupancy, rental or lease on a weekly, monthly or longer basis.

FACADE: That portion of an exterior elevation on the building extending from grade to top of the parapet.

FAMILY: One or more person occupying a premises and living as a single non-profit housekeeping unit sharing common living, sleeping, cooking and eating facilities.

FENCE: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FINAL ACTION: Any final adjudication of the application for any zoning map amendment, variance, conditional use permit or appeal from any administrative official before the Board of Adjustment or Planning Commission, or appeal from the decision of the Board of Adjustment or Planning Commission to any legislative body, or the highest State or Federal court to which any appeals shall be taken.

HOME OCCUPATION: Any use customarily conducted within a dwelling, carried on by a member or members of a family residing on the premises, which is clearly incidental to the residential use and which does not alter the character thereof by reason of noise, odor, traffic generation, or otherwise change the character of the surrounding areas.

HUD CODE: The Federal Manufactured Home Construction and Safety Standards for

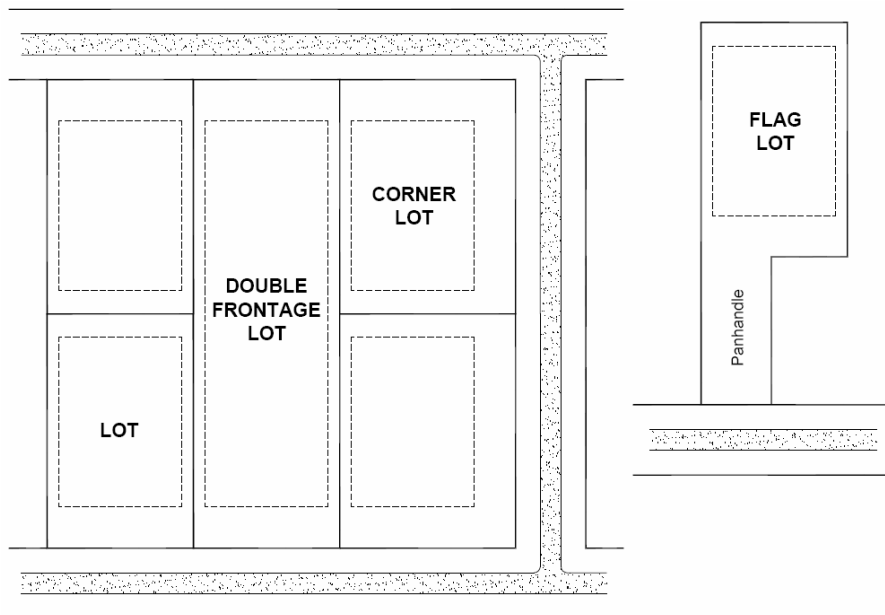
construction, design, and performance of manufactured housing as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, et. seq. and as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.

KENNEL, COMMERCIAL: An establishment where more than five (5) dogs or other domesticated animals more than one (1) year old are housed, groomed, bred, boarded, trained or sold.

LANDOWNER: The legal or beneficial owner or owners of all the land to be included in a development.

LOADING SPACE, OFF STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off street parking spaces are filled.

LOT: A piece, parcel, or plot of land occupied by or to be occupied by a principal building and its accessory buildings and including the open spaces required by this Ordinance.



LOT COVERAGE: The portion of the lot that is covered by buildings, structures, travelways and parking.

LOT DEPTH: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT, DOUBLE FRONTAGE: Any lot, other than a corner lot, which abuts on two streets.

LOT, FLAG: A lot with an access provided to the bulk of the lot by means of a narrow corridor or panhandle.

LOT FRONTAGE: The length of the front lot line measured at the street right-of-way line. A property line which abuts a fully controlled access street and which permanently has no access to that street shall not be deemed as frontage.

LOT INTERIOR: A lot other than a corner lot.

LOT LINE: A line dividing one lot from another or from a street or public way.

LOT, MINIMUM AREA or SIZE: The smallest lot area established by this Ordinance on which a use or structure may be located in a particular district.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded in the office of the County Clerk.

LOT, WIDTH: A horizontal straight line distance between side property lines located at the front setback line.

MANUFACTURED HOME: A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and designed to be used as a single-family residential dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein and installed in accordance with KRS 227.570 by a Kentucky certified installer.

MOBILE HOME: A structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal act, which is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Mobile homes must be installed in accordance with KRS 227.570 by a Kentucky certified installer.

MOBILE HOME PARK: An area designed and used for the placement of two (2) or more occupied mobile homes and/or manufactured homes.

MODULAR HOME: A dwelling unit constructed on-site in accordance with the state or municipal code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

NONCONFORMING LOT: A lot, the area, dimensions or location of which was lawful prior to and at the time of the adoption, revision or amendment of this Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

NONCONFORMING STRUCTURE: A building or structure (including signs) the size, dimensions and location of which was lawful prior to and at the time of the adoption, revision or amendment of this Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

NONCONFORMING USE: An established use of a structure or land lawful prior to and at the time of the adoption, revision or amendment of this Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

OPEN SPACE: That area of a lot open and unobstructed to the sky and which is accessible to and usable by all residents of the development. Open space may include, along with natural environmental elements, formal landscaped areas, wooded areas, water courses, swimming

pools, tennis courts and playgrounds when the Planning Commission deems them appropriate. Open space shall not be deemed to include driveways, travelways, parking lots, storage areas for vehicles and material, or areas in permanent drainage easement.

OWNER: Any person, corporation, partnership or other entity, or any combination thereof, in whom is vested the ownership, dominion or title of property necessary to convey title to such property.

PARKING AREA: Any public or private unobstructed land area that has access to a street and which is designed and used for parking motor vehicles. The term includes parking lots, structures, garages, travelways, and private driveways.

PARKING LOT: An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. This term does not include areas for demolished, wrecked, junked or for sale motor vehicles or where motor vehicle parts are located.

PARKING SPACE: The area for the parking of a motor vehicle within a public or private parking area. As used in this Ordinance it is a numerical designation used to determine the size of parking area.

PARKING, OFF-STREET: A storage area for a motor vehicle that is located within a parking area which is not located on a dedicated street right-of-way.

PARKING, ON-STREET: A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

PERMANENT FOUNDATION: A system of supports that is:

- a. Capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure;
- b. Constructed of concrete; and,
- c. Placed at a depth below grade adequate to prevent frost damage.

PERSON: The word "person" includes individual, firm, association, organization, partnership, trust, company or corporation or other legal entity or combination thereof.

PLANNED UNIT DEVELOPMENT (PUD): A development of land under unified control which is planned and carried out as a whole, or programmed in a series of development stages and which adheres to a development plan approved by the Planning Commission. The development may include a mixture of land uses, clustering of residential units of varying types, and common recreational/open space and other site features and improvements through flexible regulations which encourage creative design and preserves the natural features and foliage of the site.

PREMISES: A general term meaning part or all of any lot or part or all of any building or structure or group of buildings or structures located thereon.

PRINCIPAL STRUCTURE: A structure in which is conducted the principal activity or use of the lot on which it is situated. In any district which permits residential uses, the dwelling unit shall be deemed to be the principal building on the lot.

PRINCIPAL USE: The primary or predominant use of any lot.

PROPERTY LINE: A line dividing one lot from another or from a street or public way.

PUBLIC RIGHT-OF-WAY: A publicly-owned strip of land occupied or intended to be occupied by a public street or road, and any associated utilities.

QUALIFIED MANUFACTURED HOME: A manufactured home that meets all of the following criteria:

- a. Is manufactured on or after July 15, 2002;
- b. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
- c. has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
- d. Has a minimum total living area of nine hundred (900) square feet;
- e. Is not located in a manufactured home land-lease community; and,
- f. Has met the requirements of Section 14.23 of this Ordinance.

RESIDENTIAL CARE FACILITY: A residence operated and maintained by a sponsoring private, non-profit or governmental agency to provide services in a homelike setting for persons with disabilities, as defined in KRS 100.982.

RESTAURANT: An establishment whose principal business is the serving of food and beverages primarily to persons seated within the building.

ROOF LINE: The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

SCREENING: A method of visually or audibly shielding or obscuring an adjacent or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

SETBACK: The required distance between every structure and the lot lines of the lot on which it is located, measured perpendicular to the building (at the eave overhang) and related front, side, or rear property line, exclusive of uncovered first floor porch, deck, steps, and HVAC equipment.

SIGN: Any device, display or structure, other than a building or landscaping, which is readily visible from public property and is used primarily for visual communication for the purpose of, or having the effect of, bringing the subject matter on the device, display or structure, to the attention of persons off the premises on which the sign is displayed. The foregoing definition includes (but is not limited to) numerals, pictorial representations, emblems, trademarks, flags, banners, streamers, pennants, inscriptions and patterns and shall include a structure erected or used in connection with the display of any such device and all lighting or other attachments used in connection therewith.

SIGN, AREA OF: That area enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure does not form part of the sign proper or of the display. The area of a sign composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest rectangle which encloses the whole group.

SIGN, BULLETIN BOARD: Any sign of which a portion contains changeable copy.

SIGN, CANOPY: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

SIGN, CUTOUT or EXTENSION: An irregular addition to the sign face which does not add to the rectangular dimension of the sign face.

SIGN, ELECTRIC: Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

SIGN, ENTRANCE: A permanent on-premise sign identifying a vehicular entrance into a subdivision.

SIGN, FACE: The total surface area of a sign facing in one direction and visible from the street such sign is intended to face.

SIGN, FREESTANDING: Any on-premise sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

SIGN, HEIGHT OF: The vertical distance measured from the top most part of the sign or sign structure to the average grade level at the base of the sign.

SIGN, IDENTIFICATION: Any sign which carries only the name of the firm, the major enterprise or the principal product offered for sale on the premises, or a combination of these.

SIGN, INTEGRAL: Any sign incorporated into the facade of the building and indicating the name of a building and date of erection, monumental citations, or commemorative tablets.

SIGN, MONUMENT: A freestanding sign supported primarily by solid structural features other than support poles.

SIGN, MOTOR VEHICLE CONTROL: An on-premise sign which is erected, constructed, and maintained for the purpose of directing traffic in off-street parking areas.

SIGN, OFF-PREMISE: Any sign which identifies, advertises, or promotes goods, services, individual and firm products, a person, place, activity, event, idea or facility which is not conducted, sold or offered upon the premises where such sign is located.

SIGN, ON-PREMISES: A sign other than a temporary sign, which identifies, advertises, or promotes goods, services, individual and firm products, a person, place, activity, event, idea or facility which is available on the premises where the sign is located. On premises signs do not include signs erected by the outdoor or billboard advertising industry in the conduct of the outdoor business.

SIGN, OUTDOOR or BILLBOARD ADVERTISING: An off-premises sign which directs attention to businesses, products, services, or establishments not usually conducted on the premises on which the sign is located or other sign erected by a company or individual for the purpose of selling advertising messages for lease or rent or otherwise for profit. The term outdoor advertising shall include billboard signs.

SIGN, POLE: Any sign that is mounted on a freestanding pole or other support so the bottom edge of the sign face is six feet or more above grade.

SIGN, PORTABLE: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.

SIGN, PROJECTING: A sign, other than a flat wall sign, which projects from and is supported by a wall of a building or structure.

SIGN, PROJECTION: The distance by which a sign extends over public property or beyond the building line.

SIGN, ROOF: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure but not extending above the roof line.

SIGN, TEMPORARY: Any sign or advertising display intended to be displayed for a period of less than 90 days except that construction project signs may remain for the duration of construction.

SIGN, WALL OR BUILDING: A sign which is painted on the exterior wall of a building, or attached to/placed flat against, or no more than eighteen (18) inches from, an exterior wall of a building, but not extending above the roof line.

SINKHOLE: A closed drainage basin in areas of carbonate (limestone or dolomite) rocks. These concave depressions (as defined in 902. KAR 10:2(13)(i) may be bowl, funnel, or cylindrical. Sinkholes are formed from the solution of the underlying carbonate rock and, upon a landscape which does not have stream valleys, they direct surface runoff into cave streams in the underlying carbonate aquifer.

SITE PLAN: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. Its purpose is to show how the intended use relates to the surrounding area.

STREET: For the purpose of this Ordinance, a publicly maintained roadway other than an alley, constructed within the boundaries of an officially dedicated and accepted public right-of-way, which affords a primary means of access to abutting property. The term "street" shall include the word, road, highway, thoroughfare, avenue, drive, circle, parkway, place, court, or similar term.

STRUCTURE: Anything constructed, erected, or attached, the use of which requires location on the ground or in the ground as may be required for the purposes of carrying out this Ordinance. The term shall not include poles and appurtenances thereto used for the provision of public utilities. Structure includes any building or accessory building, mobile home, sign, tower, billboard, porch, swimming or other recreation or commercial pool, and retaining wall, gas or liquid storage tank, fence and other man-made facilities or infrastructures.

STRUCTURE, ACCESSORY: A detached, subordinate structure, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building, and which is permanently affixed to the ground. Accessory structure shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle, or freight container.

TEMPORARY CONSTRUCTION UNIT: Any transportable facility built on its own chassis used for offices or storage and which is located on a construction site under the provisions of this Ordinance. No temporary construction unit shall be used for sleeping or residential purposes in whole or in part.

TRAVELWAY: That portion of a street or parking lot intended for vehicle movement.

UNIFORM APPLICATION: An application for a certificate of convenience and necessity issued under KRS 278.020 to construct an antenna tower for cellular telecommunications services or personal communications service.

USE: The purpose or activity for which a land or building or structure or combination thereof is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY: A use that:

- a. is clearly incidental to and customarily found in connection with a principal use;
- b. is subordinate to and serves a principal building or a principal use;
- c. is subordinate in intent, or purpose to the principal building or principal use served; and
- d. is located on the same lot as the principal building or use served.

USE, PERMITTED: Any use allowed in a zoning district and subject to the restrictions applicable to the zoning district.

VARIANCE: A departure from dimensional terms of the zoning regulation pertaining to the height, width, length, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.

VEHICLE USE ARE: Any area occupied in whole or in part by motorized vehicles, including, but not limited to, parking lots, parking stalls, driveways and service areas.

VEHICULAR WAY: Any street, right-of-way, easement, etc. which is intended to give public access to and from a property.

WASTE DISPOSAL FACILITY: Any place where solid waste is managed, processed, or disposed of by incineration, landfilling, or any other method. A waste disposal facility does not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal.

WASTE, SOLID: Any garbage, refuse, sludge, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, residential, agricultural operations, or community uses.

WASTES, SPECIAL: Wastes of high volume and low hazard which include but are not limited to mining wastes, utility wastes (fly ash, bottom ash, scrubber sludge), sludge from water treatment facilities and waste water treatment facilities, cement kiln dust, gas and oil drillings, mud and oil production brines. This definition includes the definition of special wastes in KRS 224.868 as amended.

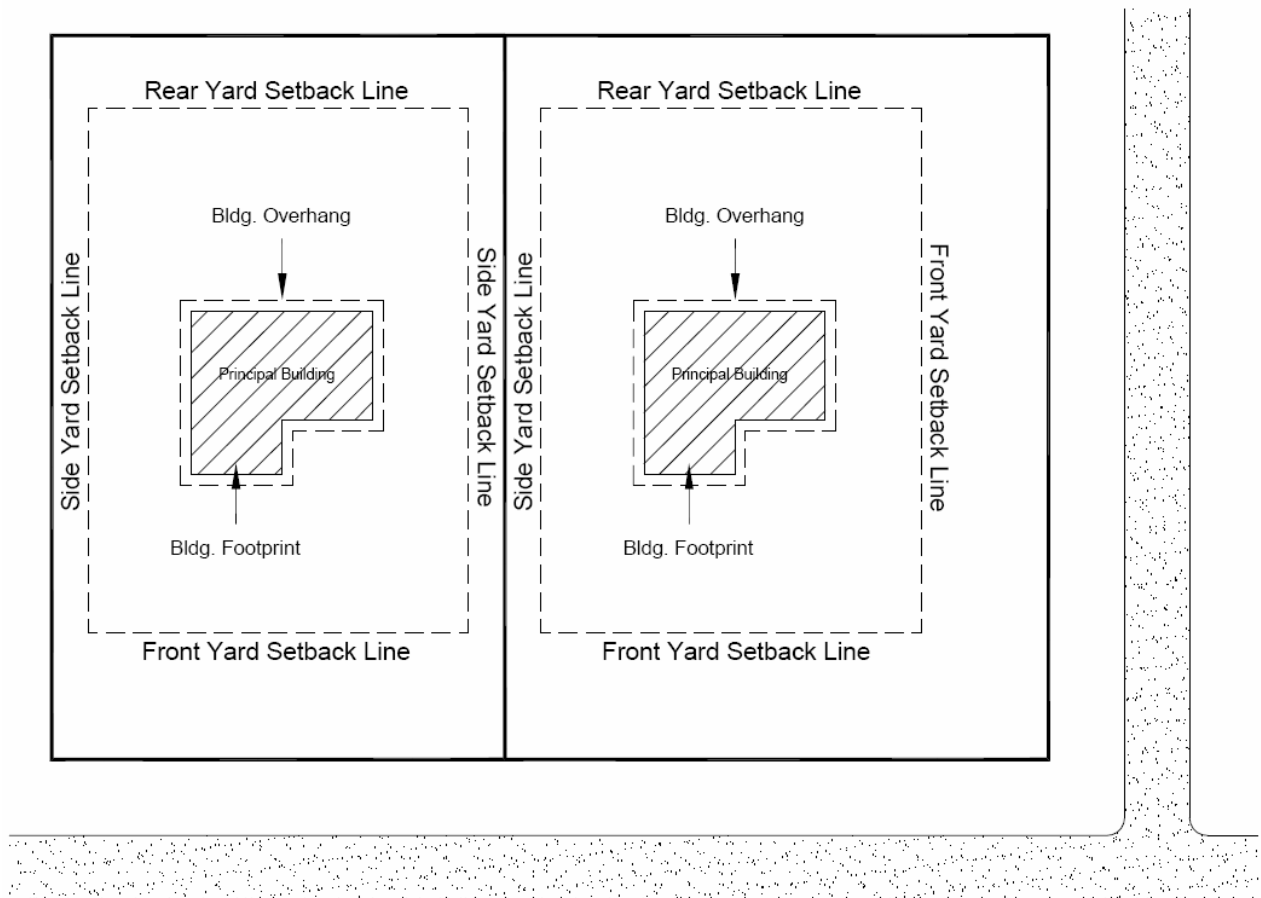
WASTE TRANSFER STATION: Any facility including loading docks, parking areas, and other similar areas, where shipments of solid waste are held, sorted, or transferred during the normal course of transportation.

YARD: That portion of a lot that is unobstructed by buildings or structures, from the ground to the sky.

YARD, FRONT: A space extending the full width of the lot between any building and the front lot, and measured perpendicular to the building at the closest point to the front lot line. In case of corner or through lots, front yards shall be provided on all frontages.

YARD, REAR: A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

YARD, SIDE: A yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest portion of the principal building. In the case of through lots, side yards shall extend from the rear lot lines to the front lot line.



ZERO LOT LINE: The location of a building on a lot in such a manner that one of the building's sides rest directly on a property line.

ZONING DISTRICT: A classification of areas or parcels of land to which specific land use regulations apply.